Syn. 7. 65. 77

Englands Grievance DISCOVERED,

In relation to the R. H. 70.

COAL-TRADE.

WITH

The Map of the River of TINE,

and Situation of the Town and Corporation of

NEWCASTLE.

THE

Tyrannical oppression of those Magistrates, their Charters and Grants; the several Tryals, Depositions, and Judgements obtained against them;

WITH

A Breviate of several Statutes proving repugnant to their Actings; With Proposals for reducing the excessive Rates of Coals for the future; And the rise of their Grants, appearing in this Book.

By *Ralph Gardiner* of *Chriton* in the County of *Northumberland*, Gent.

London Printed for *R. Ibbitson*, in Smith-field, and *P. Stent* at the White horse in Giltspur street, without New gate, 1655.

2523.12

For his Highneſs *Oliver* Lord Protector of the Commonwealth of *England*, *Scotland*, and *Ireland*, &c.

May it pleaſe your Highneſs,

THe Nation finding your fatherly care over them, in the well ordering and governing according to the Laws, Statutes, and Cuſtoms, endeavoring peace, cauſing Juſtice and Law to be equally adminiſtred, have cauſe, and do bleſs God for the ſame.

Upon ſerions conſideration whereof, I ſhall not dare or preſume to uſe Arguments to induce your Highnes to lend an ear to hear the Nations grievance, or what may be preſented for its good; but do humbly preſent herein, ſome collections of Records, taken out of moſt Judicatures, concerning the abuſe of the Coal-Trade, the Burrough and Corporation of *Newcaſtle* upon *Tine*, its Charters, Evidences and Depoſitions, proving thereby general wrongs, and inſupportable burdens, *viz.*

Firſt, Forcing people to loſe their lives, others to ſwear againſt themſelves, others to cut purſes in their Courts for gain, and all to themſelves; illegal

and falſe arreſts, and Impriſonments, refuſers of Bail, and diſobeyers of *Habeas Corpuſes*; great and uſual Impoſitions and arbitrary Fines; contemners of your Law, Judges, Jurors, and Witneſſes in their own cauſes; converting all Fines, Felons Goods, and Wrecks, to their own uſe; deſtroyers of that famous River of *Tine*, forcing ſhips and boats to ſink, and impriſoning thoſe that dare to ſuccor them; Ingroſſers of all Coals, and other commodities, into their own hands, from the Inheritors, by Patent, with other irreſiſtable Oppreſſions, like to the *Spaniſh* Inquſition, and practice of the High Commiſſion, and Star-Chamber, being put in execution at this day in that Town by command of the Magiſtrates and other their Officers. And what they cannot do by force of their Charter amongſt themſelves, againſt any private perſon oppoſing, then by Combination ruin them at Law, by their Delatory Plea, and out-purſing them, to the high diſhonor of God, and your Highneſs, and tending to the peoples undoing.

Humbly beſeeches, for the glory of God, the fame of your Law, the contentment of the free people of *England*, the preſervation of Trade and Navigation, and increaſe of your publique Revenue,

II. That no confirmation bee of that Towre of *Newcaſtle* upon *Tines* Charters, or uſurped powers, but that a ſpeedy remedy be had, either by *Quo warranto* or otherwiſe, and their Magiſtrates may ſuffer according to their offences.

III. That no Arreſts be made in that Town, except by proceſs from above, or under forty ſhillings, by reaſon they underſtand not the Law, and commonly

ly their Judges will master Reason.

IV. That Commissioners of Sewers in *Northumberland*, and County of *Durham*, be forthwith impowred for the preservation of that River, otherwise it will be quite choaked up, and thereby no Coals to be got but at excessive Rates.

V. That an *Ad quod damnum* be granted for a Market at *Shields*, which will prevent the loss of many a poor soals life for the future.

VI. Or that a revival of that never to be forgotten Statute 11. *Ri.* 2. *Cap.* 7. for a free Trade to all, which voided all Monopolies and Charters, as being the greatest grievance in a Commonwealth, *&c.* It will not onely make this your Nation equivalent with *Venice*, *Holland*, and other free rich States, in riches, but preserve Timber, and reduce Coals under 20 s. the Chalder all the year at *London*, but also augment to your publique Revenue above 40000. *l. per an.* in that very Port of the River of *Tine*.

VII. That your Royal protection be granted to such who prosecute a cause in behalf of your Highness, from the hand of violence, during the time of their prosecution. That the Clause in the 21. K. *James*, *chap.* 3. viz. for all informations upon penal Statutes to be prosecuted in the respective Counties, be voyd, by reason the Judges, *alias* Sheriffs, are the offenders, and no right can be got against them; the honorable Judges of both Benches hands being tyed up, for want of an Appeal, obstructed by the aforesaid Statute.

VIII. If their Charters and illegal Privileges be confirmed, undoubtedly it will sacrifice the Peace of your

your Nation, leſſen your Intereſt with the Free-born, weaken your Power, looſe the bonds of a quiet Government, extirpate the pure Laws, and advance diſorder and confuſion; it being humbly conceived, this happy change of Government voids their Charters, (they being no Laws, but meerly Prerogatives) to *Englands* comfort.

IX. That Sheriffs and their Subſtitutes may be liable to the puniſhment of Perjury for breach of their Oath in denying Bail to ſuch as are capable, for not returning Writs of *Habeas corpus*, and other their falſe Returns, as others in other natures.

X. And that a Law be created for death to ſuch that ſhall commit Perjury, Forgery, or accept of Bribery.

XI. All which are laid at Your Highneſs and Councils feet, to do as God ſhall direct, for the relief of the oppreſſed.

Ever ſubſcribing my ſelf a Servant to your Highneſs and the publique,

RALPH GARDINER.

TO

To the Reader.

Courteous Reader,

I Set not out the *Map of the River of* Tine *for ſhips to ſteer their courſe by*; *but for a Demonſtration to ſuch Judges as may be appointed Regulators of the great abuſes done thereunto: nor the Effigies in my Book for other Corporations to act the like by*; *but that the irregular proceedings therein, and cruelty of this Corporation of* Newcaſtle, *may the plainer appear, not onely to his Highneſs, and Council, Parlament, Admiral, Army, Judges, Gentry, but alſo to the commonalty of the Nation, that they may expel out of their thoughts ſuch tyranny as is there enacted by Charter-Law, being nothing more of my labours and pains than what I am bound in Duty and Conſcience for the relief of the oppreſſed, reſolving with Gods aſſiſtance to continue ſo doing, to the uttermoſt of my power. Probably I may have omitted ſome circumſtances relating, yet am I confident nothing comprehended but the naked truth, and what omiſſions are in this, in my next will appear (if I miſcarry not by an unknown hand.) I doubt not but ſome perſon may anſwer this in Print, or require further ſatisfaction therein, I am ready to receive the one, and declare the other; but well I know, the truth hereof cannot be diſproved; Such may (if they pleaſe) whoſe natural dialect is detraction apt to ſtain and ſting with calumny and ſlander, ſooner than make a juſt defence to joyn iſſue upon, to ſtand and fall by (as I am by this) challenging any to brand me with the leaſt of injuſtice I ever did them, being ready with my fortune to make good what I proſecute. The thing I aim at, is a right underſtanding between the free and unfree men of* England; *a perfect love, every one injoying*

ing their own, and to be governed under our known and wholeſome Laws, as alſo an obedience thereunto, and not by a hidden Prerogative, alias Charters.

It being a wonder there dare be ſuch preſumption in this Corporation, to exerciſe ſuch inſolencies, which were the greateſt obſtructors of our Nations Liberties, by gariſoning that Town. The Mayor, Aldermen and Recorder, with the Burgeſſes and others, againſt the free-born of England, *which prohibited all Trade from the 9th. day of* January, 1642. *to the* 14th. *of* November 1644. *in that Port, which cauſed Coals to be four pound the Chaldron, and Salt four pound the weigh, the poor Inhabitants forced to flie the Country, others to quarter all Armies upon free Quarter, heavy Taxes to them all, both* Engliſh, Scots *and Gariſons. Plundered of all they had, Land lying waſte, Coal-pits drowned, Salt-works broken down, Hay and Corn burnt, Town pulled down, mens wives carried away by the unſatiable* Scots, *and abuſed. All being occaſioned by that Corporations diſaffection. And yet to tyrannize, as is hereafter mentioned, I appeal to God and the World.*

Ralph Gardner,

Charter

Charter-Law with its Practice discovered

Chap. I.

Newcastle *upon* Tynes *Patron.*

King John surnamed Without land Raigned 17 Yeres and 7 monethes. died 19 daie of october. 1216. Was buried att Worcester in the 51 Yere of his age

(A) KIng *John* who usurped the Crown of *England*, was (only for formalities sake) sworn by a Bishop, who being demanded the reason why he did so, said, that by the gift of Prophecy, certified, that at some time King *John* would take the

Crown and Realm of *England*, and bring all to ruin and confuſion, he pretending the King his Brother was dead in the time of his being abſent beyond Sea; being the firſt Author of Charters (for gain) and people like himſelf, for lucre of gain ſold their Birth-right, to become Bodies Corporate, and oppreſſors of the free-born people of *England*: For before Charters were, all the Free-holders of *England* were free to make Laws for the good of the Nation; but Corporations being ſubordinate to ſuch Laws as he by his Prerogative gave them, being repugnant to the known fundamental Laws of *England*.

In the firſt year of his reign dreadful tempeſtuous weathers by rains, that the grounds were ſo ſpoiled, that whereas corn was ſold for one ſhilling the Boule, in King *Henry* the ſeconds daies, then coſt 13 ſhillings the Boule; alſo an abundance of fiſh found dead upon the Land by the corruption of the waters, no hay could be mowed, and hale as big as hens eggs.

(B) He was an Uſurper, a Tyrant, a bloody perſon, a Murderer, a perjured perſon, a covetous perſon, a demoliſher of famous Towns with fire, and a ſeller of *Englands* Supremacy to the Pope*, whoſe reign was oppreſſive, and end ſhame. For further ſatisfaction I refer you to his true Hiſtory, I ſhall onely give a brief of ſome paſſages in his reign.

* See chap. 49. (B)

He made a Law that all Jews that would not turn Chriſtians ſhould pay a certain great ſum of money or be impriſoned, and when they did turn, then they ſhould have their money again, a young Merchant paid 60 l. to continue a Jew, and after turned to be a Chriſtian, then he demanded his money from the King, but he being unwilling to part with money, demanded what reaſon he had to turn, and ſent for his Father and Mother to diſ-ſwade him and to perſwade him to change again to be a Jew.

(C) He gave command that all the Jews in *England* and *Wales* to be forthwith impriſoned, men, women, and children, by reaſon they turned ſo faſt to be of his Religion, and then ſeized on all their riches to ſatisfie his covetous diſpoſition,

ſition, and ſuch as would not confeſs where their money was, pulled out their teeth and eies, and then took the thirteenth part of all eſtates moveable, to war againſt the Earls of *Marſh*, who deſired him to forbear, but he would not, for which they diſpoſſeſſed him of all his Lands in *France*,&c.

He having little love, to his Wife *Izabel* the Queen, was divorced, pretending ſhe was too near of Kin to him, and ſo took another.

(D) He murthered Duke *Arthur* Earl of *Brittan* his eldeſt Brothers Son, being Heir to the Crown, in the Caſtle of *Roan* in *France*, and chaſed *William de Branes* out of *England*, and cauſed his wife and children to be ſtarved to death in *Winſor* Caſtle.

He diſ-inherited many of the Nobility without Judgement of the Law, and put to death *Ramp* Earl of *Cheſter* for reproving him for lying with his Brothers Wife, and reproached others of his Nobles, telling them how often he had defiled their beds, and defloured their Daughters.

(E) He granted to the City of *London* their Charter, and Letters Pattents to chuſe their Mayor yeerly in the tenth year, 1210. who governs well,&c.

(F) He removed the Exchequer from *London* to *Northampton*, and got a great Army to go againſt the King of *Scots*, but the King of *Scots* met him and did him homage, and gave him his two Daughters as pledges, and Eleven thouſand Scotch Marks, and upon his return took homage of the Free-holders of *England*, and ſware them to his allegiance, all above 11 years of age. 11 year. 1211.

(G) He made oath to be obedient to the Pope of *Rome* by name *Innocentius*, to *Randolphe* his Bull, who went with his Nobles to *Dover* where he met with the ſaid Popes Bull, and there reſigned the Crown with the Realm of *England* and *Ireland* into the Popes hand, See his Oath in chap. 59. 13 year. 1212.

(B) : Upon which the Biſhops who he had baniſhed, returned to *England* by leave from the Pope. King *John* met them and fell flat upon his face on the ground, and asked them forgiveneſs, melting bitterly into tears, &c.

(H) He grants the very next year after his power was given to the Pope, unto the Town of *Newcastle* upon *Tyne*, Letters Pattents to be a Corporation, and to hold the said Town in Fee-farm at the rent of 100 *l. per annum*, as by the said recited Letters Pattents in the second Chapter more at large appears *An.* 1213. (Surely this Charter is not good by Law, &c.)

14 year, 1213

(I) He was the cause of firing the chief Town in *Northumberland* called *Morpeth*, and caused many more Towns in *England* and *Wales* to be burnt.

The Barons of *England* being armed, demanded of him the Laws and Liberties granted by King *Edward* the Confessor, vulgarly called St. *Edward*, he desired respite till Easter, and gave Sureties to perform them.

15 year.

(K) He met with the Barons of *England* in Running Meadow, between *Windsor* and *Staines* upon the 16 of *June*, granted under his hand to them the Liberties of *England*, without any difficulty, and the whole Realm was sworn thereunto: And soon after subtlely and privately sends to the Pope and other Nations for Armies to make void those Charters and Liberties granted to the Barons, and to subdue *England*, and promised them great rewards, Forty thousand Souldiers that were to have *Norfolk* and *Suffolk* to conquer *England* for King *John* were all cast away on the Sea. The Pope sends in great strength, who landed at *Dover*, and destroyed many Towns by fire; and with the sword slew many thousands of people, the Pope excommunicating the Barons particularly by their names, great subversion and dissolution thereupon fell, laying all Hedges and Ditches level, tormenting the Barons, with their wives, &c.

16 year.

(L) The Barons were necessitated to send for *Lewis*, Son to the King of *France*, for to come with an Army to joyn with them to conquer King *John*, whose cruelties were intollerable, which was done, and King *John* overthrown, and forced to flee towards *Lin*; being poysoned by a Monk at *Swinsted* (the reason he gave was, that if he had lived half a year longer, a half penny loaf would cost 20 s.) he died, and was buried at *Worcester*, and King *Henry* the third,

17 year.

Son

Son to King *John* of nine years of age, was crowned at *Gloceſter*, &c.

(M) The reaſon of King *John* his granting Charters in *England*, and making Corporations, was for that he had but little land, to raiſe great Rents from them, and to aſſiſt him with ſtrength by out-voting the Knights of (M) the Shires, as is hereafter expreſt; For all Free-holders of *England* that had forty ſhillings a yeer, met two times a yeer at Seſſions Meadows neer *Rockingham* Caſtle in *Northampton-ſhire*, and there made ſuch Laws as the Nation was governed by, and confirmed by the King.

(N) King *John* reſolving to have Monies and Aid of men to go to *Normandy* to conquer them, could not conveniently motion it, by reaſon of the numerouſneſſe of the Free-holders, but made a ſpeech to them, that he had contrived a very fit and convenient way for the making Laws for the good of the whole Nation, which was, that by reaſon he conceived it a great trouble, for all them to come ſo far for that purpoſe, onely to make Laws, that they would chuſe two Knights of every Shire and County in *England* and *Wales*, and give to them the full power of the Nation, and then the ſaid Knights to come and ſit with him in Parliament at *Weſtminſter*, and alſo to allow them four ſhillings a day, out of the County ſtock, which more plainly appears in the Statute of 35. *Hen.* 8. *Ch.* 11. Knights to have 4 *s. per diem*, and Burgeſſes 2 *s. per diem*.

(O) King *John* when he had got the hundred and four Knights in Parliament, they having the full power of the Nation from the Free-holders, immediately required from them great Subſidies, and Armies to go for *Normandy*, to recover ſuch Lands as he had loſt.

(P) The Knights anſwered, they onely were intruſted to make Laws, and not to taxe the Free-holders, who had intruſted them, and not to raiſe Armies, and that by ſo doing, they could not diſcharge the truſt repoſed in them.

(Q) The King finding his expectation fruſtrated, having nothing doubted, but to have wrought his deſign on ſo ſmall a number (Maſtered his paſſion, and not long after

acquainted the Knights, that he was ſorry for the great burden which lay upon them for making Laws, being for a publick, and that they were too few in number, and that he had found out a way how to eaſe them, and bring in a great revenew to free the Nation from impoſitions.

(R) Which was, that he reſolved to Incorporate all the great Towns in *England* and *Wales*, and depute Magiſtrates to govern as his Lieutenants, and every Corporation ſhould hold their Town in Fee-Farm from him and his heirs at a certain Rent, ſome more, others leſſe, according to the quality, &c.

(S) Alſo that every Corporation ſhould chuſe two Burgeſſes to ſit, and vote with them in Parliament, they knowing the ſtate of every County, and the Burgeſſes of the Corporation (by which means the Burgeſſes being more in number then the Knights might out-vote them, and vote for him) the Knights medled not therein at all, but were out-voted by theſe Vaſſals and Tenants to the King, they granting to him what ever he demanded, or elſe muſt forfeit their Charters: And he granted to them what ever they demanded &c.

(T) The Free-holders of *England* were repreſented in Parliament by their Knights in their Election; And if the Burgeſſes were Free-holders, then repreſented in the ſame Knights.

(V) But if the Burgeſſes were no Free-holders, then no power in *England* to make Laws, or to ſit in Parliament to out-vote the true Repreſentative, which are the Knights, eſpecially repreſenting no body further then the will of the King, who was onely to confirm Laws, but not to make them.

King *John* had four conſiderations in making great Towns Corporations:

1 To aſſume a Prerogative.
2 To raiſe vaſt ſums of Mony.
3 To divide the Nation.
4 To enſlave bodies Corporate by being his Vaſſals and Slaves.

Charters

Charters are no Laws, and nothing is binding that is not lawful, no Laws are made but by Parliament, read *Stat.2. Edw.3.8.*

CHAP. II.

Newcastles *first Charter.*

(A) KIng *John* by his Letters Pattents dated the day of in the fourteenth yeer of his Reign, and in the Yeer of our Lord, 1213. Granted, Demised, and Confirmed to the honest men of the *Newcastle* upon *Tyne*, and to their Heirs, his Town of *Newcastle* upon *Tyne*, with all the Appurtenances, to Fee-farm, for one hundred pounds, to be rendred to the said King and his Heirs, at his Exchequer (to wit) at the Feast of Easter fifty pounds, and at the Feast of St. *Michael* other fifty pounds, saving to the said King the Rents, Prizes, and Assizes in the Port of the said Town. Further he grants to them, and confirmeth one hundred and ten shillings and six pence of Rent, which they have by the gift of the said King in the said Town, of *Escheats*, to be divided and assigned to them, who lost their Rents by occasion of a Ditch or Trench, and of the new work made under the Castle towards the River or Water, so that thereof they might have the more, that lost the more, and they that lost the lesse, should have the lesse. He also granted to them, for him and his Heirs, that in nothing they should be answerable to the Sheriffe, nor to the Constable, for those things which belong to them, as the said Charter testifieth. Wherefore he willeth and firmly commandeth, that the said men, and their Heirs may have and hold the same Town with its Appurtenances to Fee-farm, for the said hundred pounds yeerly to be paid, as is aforesaid, well, and in peace, freely, quietly, and intirely, with all Liberties and free Customes, which they were wont to have in the time of King *Henry* the 2. Father of the said King

King *John* as by the said Letters Pattents appeareth. The said King *John* was the cause of burning *Morpeth* the chief Town in *Northumberland*, and many more Towns in *Wales*; because of the enmity between him and the family of the *Bruces*, who originally were planted in *Wales*. Wherefore the said Charter made by the said King *John* to the said honest men of *Newcastle* upon *Tyne*, cannot be valid in Law, because in the fourteenth year of his Reign, he subjected himself to be a Vassal to the Pope of *Rome*, as is aforesaid, and for many other reasons mentioned in the said Charter it self, considered in themselves.

In this Charter of King *John* that he grants to the honest men of *Newcastle* upon *Tyne*, he mentions not the Port of the River of *Tyne*, from *Sparhawk* at *Tinmouth-Bar* upon the Sea, to *Hadwyn* streams above *Newburn* in *Northumberland*; neither is there so much as one syllable, whereby the said King grants to them the two third parts of the said River, or any of the Fishing between the said places, &c.

CHAP. III.

(A) KIng *Henry* the Third being earnestly supplicated by the good men of *Newcastle* to confirm King *Johns* Charter, which was done upon the second day of July in the year of our Lord, 1234. the said King *Henry* did not inlarge their jurisdiction at all, but onely grants them the Charter in the very same words as King *John* had in his Charter granted.

(B) King *Henry* the Third by his Letters Pattents under the Great Seal of *England* dated at *Westminster* the first day of December in the three and twentieth year of his Reign, upon the good men of *Newcastles* supplication, thought it fit to give them Licence to dig Coals, and Stones, in the common Soil of that Town, without the walls thereof, in the place called Castle-field, and the Frith; and from thence to draw and convert them unto their own profit, in aid of their

their ſaid Fee-farm Rent of a 100 *l. per Annum*, and the ſame as often as it ſhould ſeem good unto them; the ſame to endure during his pleaſure, which ſaid Letters Pattents were granted upon payment of twenty ſhillings into the Hamper, nothing more was given, neither Lands, &c. but only to work the Coals, during pleaſure, for their own uſe.

(C) King *Henry* the Third, was petitioned again by the ſame honeſt men, for ſo they were called by King *Johns* Charters (*probi homines*:) That his Majeſty would be graciouſly pleaſed to give them all the Stone and Coals in a place called the Frith adjoyning to the former, the better to enable them to pay their Fee-farm Rent, which alſo was granted, paying forty ſhillings *per Annum* into the Hamper upon the eleventh of *May*, in the one and thirtieth yeer of his Reign. All which Coals and Stones, have, do, and will amount to many thouſands of pounds, yet no land above the ſaid Coals, was granted unto them.

CHAP. IV.

(A) King *Edward* the Firſt, in the Nineteenth yeer of his Reign, was ſupplicated by the good men of *Newcaſtle*, to grant them a ſum of money, and a Licence for the building of a Wall round the Town (on which Wall one of the Mayors of *Newcaſtle* was hanged) as by the Record of the Regiſtery appears, That two third parts of the River of *Tyne* from *Sparhawk* to *Beadwyn* ſhelves were in this Kings hands. And for ſuch Lords as held any Fiſhings on the South-ſide of the ſaid River of *Tyne*, which went to the Mid-ſtream, they were meer intruders of one ſixt part more then was their own, for whereas they were to have had but one third part, they claimed half.

(B) And that this King gave Licence to build a Wall about the Town of *Newcaſtle*, and gave mony towards this wall, which was not beſtowed.

(C) And that divers purpreſtures were then incroached

upon, by the good men of the Town of *Newcaſtle*, upon the Moat of the *Newcaſtle* built by *William Rufus* adjoyning thereunto. And to the end that the then Sheriffe of *Northumberland* might preſent theſe incroachments into the Chancery, whereby to diſcover their unjuſt dealing and intruſion upon the ſaid Moat of the ſaid Caſtle, they the ſaid good men gave to him the ſaid Sheriffe a gift or bribe of ten Marks that he might not vex them, as by the ſaid Record more at large appears, &c.

CHAP. V.

THe ſaid King *Edward* the Third, by his Letters Pattents dated at *Weſtminſter*, the tenth day of *May* in the one and thirtieth yeer of his Reign confirms all former Charters, with an addition of his own, that he for himſelf, and his Heirs, Granted, Demiſed, and Confirmed unto his honeſt men of the Town of the *Newcaſtle* upon *Tyne*, his Town of *Newcaſtle* before called *Manchester*, with all its Appurtenances for a hundred pound *per Annum* to be paid to the ſaid King, and his Heirs, &c. Which he the ſaid King confirms to the ſaid men, and Burgeſſes, and to their Heirs for ever. And becauſe on the behalf of the ſaid Burgeſſes of the ſaid Town, it was humbly ſupplicated to the ſaid King, That whereas the ſaid Moore and Lands called Caſtle-fields, and Caſtle-moor on the North-ſide of the ſaid Town of *Newcaſtle*, from a certain place called Ingler Dike, &c. as the ſame are butted and bounded, &c. even to the ſaid Town of *Newcaſtle*, are the lands and ſoil of the ſaid Town of *Newcaſtle* belonging to the ſame, beyond memory; with all profits coming of the ſaid Lands, Moor, and Soil, as by an Inquiſition thereof taken, and returned into the Chancery appeareth. And albeit the ſaid Burgeſſes, and their Predeceſſors from the time they have had the ſaid Town to farm, they have held the ſaid Moor and Land, as though it were appertaining to the ſaid Town, and have al-

alwayes hitherto peaceably, and quietly had, and reaped all the profits coming of the ſaid Moor and Lands, yet the ſaid Burgeſſes (now they are turned from honeſt men, to Burgeſſes, the next will be to———) For that there is no mention made of the ſaid Moor and Lands (albeit they be of the Appurtenances of the ſaid Town) do fear that they may be impeached afterwards, and for that the ſaid Town, as well by reaſon of the laſt Peſtilence at that time, as by the hazards of Wars, and divers other adverſities, was ſo impoveriſhed, and deſtitute of men, that the profits of the ſaid Town ſufficed not for the payment of the ſaid Farm (as they then pretended.) The ſaid King being willing to provide for their indempnity in that behalf, and for him, and his Heirs granted, that they and their Heirs might have and hold the ſame Moor and Soil, as if it were appertaining to the ſaid Town, with all profits out of the ſame, &c. And that they the ſaid Burgeſſes, and their Heirs in the ſaid Moor and Lands, may dig, and may have Coal, Slait, and Stone there; and from thence may draw them, and may make their profit of the ſaid Coals, Slait, and Stones, and other profits coming out of the ſaid Moor and Lands, in aid of the payment of their ſaid Fee-farm, without impeachment, &c. As by the ſaid Letters Pattents (made by the King himſelf, and his Council, and by the Fine of forty ſhillings paid in the Hamper) more at large appeareth.

By theſe laſt mentioned Letters Pattents the Burgeſſes of *Newcaſtle*, can challenge no title in the ſaid *Caſtle-moor* and *Caſtle-field*, becauſe the ſaid Letters Pattents are contrary in themſelves. This is the firſt claim the ſaid Burgeſſes lay to the *Caſtle-moor*, being a quantity of eight hundred and fifty Acres of ground, beſides Paſture for all their Kine, and Coals for all their Fuel, which are gotten upon the ſaid *Caſtle-moor*.

CHAP. VI.

KIng *Richard* the Second, by his Charter dated the ninth day of *April* in the first year of his Reign, 1378. confirms all the former Charters, and Grants to the Town of *Newcastle* the same priviledge as granted before in diging of Coals, Slait, and Stone in *Castle-field*, and *Castle-moor*, but doth not grant the (Land) onely the Coals, Slait and Stone, for the Towns best advantage.

CHAP. VII.

KIng *Henry* the Fourth, being humbly petitioned by the Burgesses of *Newcastle*, that his Highnesse would be graciously pleased, to divide the Town and Corporation from the County of *Northumberland*, and to grant them a Sheriffe, with more Liberties and Immunities which was granted, that the Corporation of *Newcastle* shall be a distinct County of it self dis-joyned from the County of *Northumberland*, and not to meddle in the said new County as by the Charter more at large appears upon Record in the Tower of *London*, 7. *Ed.* 6. 10. 1. *Mary.* 3.

This was a preparative for the Town of *Gates-head*, &c.

CHAP. VIII.

(A) QUeen *Elizabeth* obtained a Lease from the late Bishop of *Durham*, dated the 26. of *April* in the 24. year of her Reign, 1582. of all the whole Mannors of *Gates-head* and *Wickham*, and all the Coal-pits, and Coal-mines within the said Mannors of *Gates-head* and *Wickham* aforesaid, and in all the common Wasts, and Parks belonging to the said Mannors at the Rent of ninety pounds,

per

per Annum, or thereabouts, for ninety nine yeers, which the Earle of *Leicester* procured from the said Queen, and sold, or gave the same to *Sutton* of the Charter-house, who for twelve thousand pounds, as is reported, sold the same to the Mayor and Burgesses of *Newcastle*, * but when he understood the yearly value, which was worth at least fifty thousand pounds *per Annum*, attested by Doctor *Cradock*, sometimes Arch-deacon of *Northumberland* deceased, this Lease being called the Grand Lease, was granted to Sir *William Readal*, and others for the use of the Mayor and Burgesses, and free honest men, and expires the 26. of *April*, which shall be in the year of our Lord, 1681. as appears in the 11. Chap. (I) 7. *Edw.* 6. 10.

* It is conceived that this Lease is void, by reason the Corporation forfeited it being garrisoned against the Parliament, &c.

CHAP. IX.

(A) QUeen *Elizabeth* requires the great Arrear of two pence *per* Chaldron, which was granted to King *Henry* the Fifth as Custome by the Parliament, as appears by that Statute, Chapter the tenth, ninth yeer, which was neglected to be paid unto the Crown by the Mayor and Burgesses for many yeers together, insomuch as they were not able to pay the same, but humbly beseeched those Arrears may be forgiven, by reason of their inability: And to grant them a Charter to incorporate a new fraternity or brother-hood to be called Free * Host-men, for the selling and vending of all Coals to shipping. And in consideration thereof, they would pay to her Majesty, and her successors twelve pence for every Chalder, exported from thenceforth to the free people of this Nation. The Queen conceiving that twelve pence upon every Chalder would be better for the future, and well paid, would rise to a greater Revenew then the two pence so long in arrear could endamage, which was granted upon condition specified in that Grant, remaining in the Exchequer, with many seals to it; That they should sell all Coals to Masters of Ships; At this day

* Chap. 21.

the Fitters reckon with the Masters for so much a Chalder, as eleven shillings for so many as is conceived to be aboard the Ship, and then he goeth with the Master to reckon, which the said Masters payes the one shilling *per* Chalder Custome, being allowed in his hand, the Master conceives he doth not pay it further then being left in his hand by the Fitter; but if the Masters will look upon that Lease, they will find they are to have the best Coals for ten shillings, and the worst for nine shillings the Chaldron at most, and now they pay eleven shillings, by which means the one shilling *per* Chaldron is paid by the Master, and not by the Host man, and so falls upon the whole Nations back. I refer you further to the Lease, for if the Master buy dear, he must needs sell dear.

(B) By the same fallacy they wronged the King of his Customes, 9. *Hen.* 5,10. which plainly appears in that Statute, if you please to read it, the same, they have to cheat the Queen and her Successors for the twelve pence *per* Chaldron.

CHAP. X.

(A) QUeen *Elizabeth* being humbly intreated by the Mayor, and Burgesses of *Newcastle*, that her Majesty would be graciously pleased to grant them a Charter of Liberties concerning Sea-jurisdiction, and of Admiralty in that Port (to wit) between *Sparhawk* in the Sea, and *Hadwyn* streams, being fourteen miles in length, for the advance of the estate of that Town, which also was granted as follows.

This Statute of 2 *Edw.* 3 8 Will void this Charter by reason it is against Right.

(B) The Queen by her Letters Pattents dated the thirtieth day of *August* in the one and thirtieth year of her Reign, touching the Office of the High Admiralty of the River of *Tyne*, and Port of *Newcastle*, grants the Reversion to the Mayor and Burgesses of *Newcastle*, by reason it was granted under the Great Seal of *England*, bearing date the fifth of

of *February* 1522. unto *Charles* Lord *Howard* of *Effingham*, amongſt other things, in his ſaid Pattent in the Office of Lord High Admiral of *England*, &c. for life, who out-lived the Queen, and dyed 26. *January* in the ſixteenth year of King *James*, the Mayor and Burgeſſes pretending they had right thereunto from King *Henry* the ſixth, which if they had, was extinguiſhed upon the Queens grant to the High Admiral,&c. And by this grant of hers to *Newcaſtle*, ſhe onely grants what is in her to grant, which is onely the Reverſion after the ſurrender, forfeiture, or death of the aforeſaid Lord High Admiral, but ſhe dying before the Lord High Admiral, it is conceived her grant is void. And it was never ſince confirmed by any other to the ſaid Mayor and Burgeſſes; for King *James* upon the 28 of June in the ſixteenth year of his Reign, two dayes after the Lord High Admiral died. The Commiſſion or Letters Pattents of the Admiralty of *England* was conferred upon the Duke of *Buckingham*, ſo that *Newcaſtle* by this change hath but a ſlender pretence of Right to the Admiralty of that part of *Newcaſtle*.

(C) The ſaid Corporation humbly beſeecheth her Grace, to increaſe, inrich, inlarge, and eſtabliſh (as much as in her lay) their Authorities and Juriſdiction in Sea-buſineſſes, with larger Priviledges, Exemptions, Liberties, and Immunities, and thoſe being called by various names, to eſtabliſh into a certain Body, and reduce and create the Name of the Incorporation, upon which Petition, the Queen made the Town and Corporation of *Newcaſtle* a free Town, in theſe words. *Newcaſtles* Petition.

(D) That the Burgeſſes and Inhabitants of the ſaid Town from henceforward for ever, ſhal be one body Corporated, or body Politick, in ſubſtance, Fact, and name, by name of a Mayor and Burgeſſes. And that by that name, they may have perpetual ſucceſſion. And perſons able in Law, capable to have, purchaſe, receive, and poſſeſſe, Lands, * Tenements, Liberties, Juriſdictions, Franchiſes, and Hereditaments of what kind, nature, or form ſoever they ſhall be, to them and their Succeſſors in Fee and perpetuity. And to aſſign them *Newcaſtle* Incorporated. To purchaſe Lands. See *Stat.* 15. *Rich.* 2. 5.

To sue, and be sued by one Name. See El. 36.

them over by the name aforesaid. And by the same name to implead or sue, and be sued, answer, or to be answered, defend, or be defended in any Court of Record.

(E) And to have a common Seal for their causes and businesses, and to break and change the same at their pleasure.

Confirms all former liberties.

(F) Likewise, she confirms by the said Charter to the said Mayor and Burgesses, and their Successors, that they onely of the said Town with its Members and Appurtenances, and also that they may have all the same Customes, Liberties, Priviledges, Franchises, Immunities, Exemptions, Quittances and Jurisdictions, how many, and how much soever hath been granted by former Kings, by what name or names soever, or by what pretence they have or do enjoy, or claim the same. *To have and to hold*, and to be holden of the said Queen in Fee-farm, &c.

(G) Also grants by the said Charter unto the Mayor and Burgesses and their Successors, full authority, power, and faculty of Mittigamus, constituting, ordaining, making, and establishing from time to time such Laws, * institute Judgements, Ordinances and Constitutions according to their sound discretion, being good, wholesome, and necessary for the publick good and weal, and common profit, and good rule of the said Town.

*Making Laws See *Stat.* 19 *Hen.* 7. 7.

(H) The Mayor and Burgesses, have power hereby to inflict punishments, pains, penalties, and imprisonments * of bodies, (and by Fines, or Amerciaments, may levy, and have to them, and their Successors without calumny or impeachment) requiring all persons to yeeld obedience to such Laws, &c. Provided those Laws, Ordinances, Institutions, and such like Customes, be not repugnant to the Laws and Statutes of *England*.

*To punish Offenders. See *Stat.* 9. *Hen.* 3. 29. Commanding Obedience.

(I) Also that the Grants, which the said Town of *Newcastle*, and the Circuits, Precincts, and Jurisdictions thereof, to stand as well in breadth, as length, as well by land, as by water, as was accustomed before the memory of man, as they were wont to extend themselves, and

Spithawk and Headwyn Stream their liberties.

in

in the River of *Tyne*, from a place called *Sparhawk* in the Sea, to *Headwin* ſtreams, ſeven miles above *Newcaſtle-bridge*. And to pull down all walls, hedges, and blocks offenſive, &c.

(K) And further, by the ſaid Letters Pattents, the Queen doth grant unto the ſaid Mayor and Burgeſſes upon the ſurrender of the ſame, Letters Pattents of the ſame High Admiral of *England*, by death, forfeiture, ſurrender, or other means, to become void for ever. And may have and hold within the ſaid Town one Court of Admiralty of Record, every Munday throughout the year. In which Court, the Mayor, or Recorder to be one: And to begin upon the vacancy of the ſaid Office, to hold by plaint in the ſame Court to be levied, all, and all manner of Pleas, Suits, Plaints, and Demands. For which Debts, Contracts, Covenants, Treſpaſſes and Deceits, Matters, and Offences whatſoever to the ſaid Court of Admiralty belonging, and to hold Court of Pleas according to the Laws and Cuſtomes of the ſaid Court of Admiralty of *England*, and other Legal wayes and means, whereby the truth may the better be known with power of any temporall conſtraint * or mulct, or any other pain according to the Laws and Cuſtomes, of the ſaid late Queens Court of Admiralty of *England*, to be compelled, or to do, and adminiſter Judgement, the order of Law being kept.

Entrance to the Office of High Admiralty.

Keeping Courts.

Puniſhment.

* See Stat. 28. Edw. 3. 3.

(L) And likewiſe ſhe ordains Juſtices of the Peace, to conſerve the Peace in the ſaid Town and Port for the putting in execution the Statutes and Ordinances made at *Weſtminſter* in the eighteenth yeer of King *Edward* the third concerning foreſtalling of Merchandizes upon the water, or upon the Sea. And the thirteenth of *Edward* the firſt, the five and fortieth of *Edward* the third; the thirteenth of *Richard* the ſecond, and ſeventh of *Henry* the fourth, and *Henry* the ſixth, the four and thirtieth of *Henry* the eighth, and the fifth and ſixth of *Edward* the ſixth Statutes at *Weſtminſter*, againſt Regrators, Fore-ſtallers, and Ingrocers, to enquire after ſuch offenders againſt the Laws and Statutes aforeſaid, to hear and determine ſuch like Indictments and Puniſhments.

Laws of England executed.

Fore-ſtaling. See cap. 50. A. 49. & 548. A.

Officers to do their duty. See cap. 36. c. D

(M) That the Sergeant at Mace, all Juries, Pannels, Inquisitions, Attatchments, Precepts, Mandates, Warrants, Judgements, Sentences, Processes, or other things whatsoever to do, for the dispatching thereof.

(N) The Queen gives further power unto the Mayor, to choose all Officers in the said Court whatsoever, to remove, and expell them as they shall see cause, according to Law and Equity.

See chap. 30. B chap. 29. D. All acknowlegements Wreck, &c. View of dead bodies murthering, drowning

(O) That the Mayor, Recorder, and Aldermen, three, or more of them, whereof the Mayor, or Recorder to be one of them, may have for every acknowledgement of al and singular such like Pleas, Plaints, Suits, and Demands of Debts, and other Sea-businesses and offences, and also disseizing of all wrecks * at Sea or Port, happening, and of the death, drowning and viewing of all dead bodies of what persons soever, which in the said Town and Port howsoever slain or drowned, or to be slain, drowned, or murthered, or brought to death by any other means.

Wreck. Coronors. * See ch. 48. A. 29. 49. A.

(P) Also the custody and conservation of the Statutes, the wreck at Sea, and of the Office of Coronors * in the third and fourth year of King *Edward* the first, and to punish Delinquents according to Law.

To fine and qualifie. See Stat. 25. *Edw.* 1 5 All fines for their own use is given. See c. 42. A 41. A.

(Q) The Mayor of the same Town for ever, hath hereby power to receive acknowledgements for any cause whatsoever in the Admiralty Court determinable, and to record and enrole the said Recognizance, to release, cancel, lessen, and qualifie at their pleasure according to Law. Also to demand execution according to the manner of the said High Court of the Admiralty of *England*.

(R) The said Queen doth give and grant by the said Letters Pattents unto the said Mayor and Burgesses, and their Successors, all, and singular Fines, Redemptions, Issues, Amerciaments, Forfeitures, Perquisites, and profits whatsoever appearing, happening, coming, assessed, imposed, or taxed, or then after to be upon any by the aforesaid Court for their own proper use and behoof, without any account to the said Queen, or her Heirs to be levied so soon as ever it shall be adjudged by them, without any unquietnesse, vexation,

or

or trouble of the ſaid Queen, her Heirs and Succeſſors, Juſtices, or other Miniſters, or Subjects whatſoever.

(S) Alſo to have all manner of ſuch like goods and Chattels, Weiffs, Wrecks* of the Sea, Goods floating or ſwimming upon the water, and driven to the ſhoar*, ſunk to the bottom, and goods due to more by proportion, Treaſure found, Felons of themſelves, Deodands, and other caſualties, as well upon as by the Sea or Shoars, and Maritine parts, as upon or by the freſh water, howſoever, whenſoever, or whereſoever, or in what manner appearing, happening, or coming, which to the Admiralty of *England* doth belong.

* To have all profits and wrecks.
* See c. 30. A 29. D Sta. 17. Ed. 2. 11. To have all Felons goods, &c. See c. 53. A * Sta. 17. Ed. 2. 16.

(T) And all Royal Fiſhes, Sturgeons*, Whales, Porpoyſes, Dolphins, Rigoſeres, and Grampeſes

Royal Fiſhes. Sta. 17. Ed. 2. 15

(V) That the ſaid Queen willed, that the Mayor, Recorder and Aldermen for the time being, three or more of them, whereof the Mayor or Recorder to be one, from time to time ever hereafter, to be Juſtices at the Goal delivery, and to deliver out of priſon in the ſame, committed to the ſame Goal for what cauſe ſoever.

Juſtices of Goal delivery.

(W) That they may erect Gallows within the liberty of the ſaid Town, for Felons, Murtherers and other Malefactors whatſoever within the Town or Port, and to commit them to the Goal, till they be from thence delivered by due courſe of Law. See Chap. 53. (A.)

Gallows and to hang them.

(Y) All which of her ſpecial favour, ſhe grants without Fine into the Hamper. Dated at *Weſtminſter* the 30. of *Auguſt*, in the 31. year of her Reign. It is conceived this is voyd, by reaſon granted without any conſideration into the Hamper.

CHAP. XI.

A brief of the Privileges contained in the Charter of Liberties granted by Queen Elizabeth *to the Mayor and Burgesses of the Town of the* Newcastle *upon* Tyne, *the 22th. of* March. *in the 42th. year of her reign. As followeth.*

The Twelve Companies of *Newcastle* be as follow.

Cordwinders	*Skinners.*
Butchers.	*Corn-Merchants*
Taylors,	*Tanners.*
Fullers	*Sadlers.*
Drapers	*Bakers.*
Mercers.	*Smiths.*

Observ. I finde not *Brewers* nor *Carpenters.*

(A) THat the Town of *Newcastle* is an antient Town, and that they have had Laws, Jurisdictions, &c. and that the said Town hath suffered no small loss by reason of divers differences, &c. *fol.*1. concerning the manner of loading and unloading Sea-coals at the same Town, *fo.* 2. whereupon the said Mayor and Burgesses humbly petitioned the said late Queen for the better maintenance and government of the said Town, that she would vouchsafe to amplifie her munificence and favor towards the said Town, *fo.*2.

(B) The said Queen for her and her Successors, grants to the said Mayor and Burgesses and to their Successors, that they only of the said Town with its members, shal have and enjoy all the Customs, Liberties &c. which were granted to their Successors by several Charters, *fo.* 3. which the honest men of the *Newcastle* upon *Tyne*, &c. by pretence of what Corporation soever they held and injoyed, *fo.* 4, 5. To have, hold, and enjoy the said Town, and all Customs, &c. *fo.*5. to the said Mayor and Burgesses and their Successors, to their use for ever, to be holden in Fee farm; rendring the anti-

antient Fee farm of 100 li. at *Michaelmas* onely, *fo.* 6. and that they may have all ſuch Liberties, Cuſtoms, &c. without the let of any one, &c. *fo.* 7.

(C) The ſaid Queen granteth, that the Mayor, ten Aldermen, and Sheriff of the ſaid Town, &c. and other Four and twenty of the more diſcreet and honeſter Burgeſſes of the ſaid Town, &c. may chuſe the Mayor and other Officers of the ſaid Town within five daies after the choyſe and oath taken by the Mayor, *fo* 7, 8. which ſaid Mayor and the other twenty four Burgeſſes, in all thirty ſix, ſhall be at all times then after, the common Councel of the ſaid Town; *fo.* 9. and ſhall have power in making Laws, &c. *fo.* 10 for the good Government of the ſaid Town, &c. *fo.* 11. and for the good government of the Markets and Fairs within the ſaid Town and limits thereof, &c. and for the Declaration by what means the Miniſters, Officers and Artificers of the ſaid Town, and their Factors Servants and Apprentices in their Trades, &c. *fo.* 12. and alſo for their better preſervation, letting and ſetting of their Lands, Tenements, &c. And that the Mayor and Common Council of the ſaid Town or the greater part of them, whereof we will the Mayor and ſix Aldermen, thirteen being, ſeven to be &c. as often as they ſhall make ſuch Laws, &c. and ſuch pains, puniſhments, penalties or impriſonment of bodies or by fines, &c. *fo.* 14. upon all Delinquents contrary to ſuch Laws, &c. as ſhall be neceſſary for keeping, *fo* 15. of the ſaid Laws, &c. and to have and retain the ſaid Fines, &c. to their own uſe, &c. *fo.* 16. ſo that the ſame Laws, &c. be not repugnant to the Laws of the Kingdom of *England* *, *fo.* 17.

Choyce of the Mayor and other Officers.

Power to make Laws for themſelves not repugnant to the Laws of *England*. *Caſtlemore* is without the limits.

To punish Offenders againſt ſuch Laws.

*See Sta. 19. *Hen.* 7. 7.

(D) And further the ſaid late Q. granteth, that the election of the Mayor, Recorder, Aldermen, Common-Council and all other Officers and Miniſters to be choſen, &c. ſhall in every year be upon Monday next after *Michaelmas* day *fo.* 18. honeſt men and Burgeſſes of the twelve Societies, lawfully choſen in the accuſtomed place, to wit Drapers, Mercers, &c. *fo.* 19. and that they name and preſent two honeſt men of every myſtery, &c. being twenty four in number, being ſworn that they or the greateſt part of them ſhall chuſe and name

Election of the Mayor, Sheriff, and other Officers at what time.

The Port belongs to the Caſtle, and not to the Town. Oath to Maſter of ſhips.

the Mayor, *fo.* 21. the 22, 23, 24 25, 26, 27, leaves are concerning the chuſing of the Mayor, the Sheriff, of two Coroners, one Clerk of the Chamber, who ſhall adminiſter an oath to the Marriners and Maſters of ſhips at the Port of *Newcaſtle*; and in the ſame manner, and the ſame day yearly may name eight other Burgeſſes, &c. *fo.* 28. to be Chamberlains of the ſame Town, and one Sword-bearer before the Mayor, and eight *fo.* 29. Serjeants of the Mace, and one Recorder *fo.* 31. and there ſhal be twenty four Electors for one year *fo.* 31, 32. new election of Aldermen, dying or being depoſed, *fo.* 33. and the Alderman newly choſen ſhall be Alderman during life, *fo.* 34. Officers choſen by the Mayor under their common Seal ſhall be admitted to their places, *fo.* 35, 36, 37. To fine ſuch as refuſe to hold their places upon election, *fo.* 38. the ſaid fine not to exceed 200 Marks, *fo.* 39, 40, 41. The like for the Sheriff. *fo.* 42, 43, 44, 45, 46. or if any Officer (ſave the Recorder) die within the year then to chuſe another, *fo.* 47, 48, 49. And if the Recorder die within one year next after his election, or be removed from, or leave his Office, &c. then to chuſe another fit perſon learned in the Laws, albeit not a Burgeſs in his place, &c. *fo.* 49, 50, 51. And if the Mayor of the ſaid Town be depoſed, removed, or die, then to chuſe another within twenty daies, &c. *fo.* 51, 52. The like for the Sheriff, &c. *fo.* 53, 54. *William Jenniſon* named firſt Mayor, *fo.* 55, 56. *John Savel* one of the Barons of the Exchequer, firſt and modern Recorder, *fo.* 57. *William Selby*, &c. and nine others are made the firſt and modern Aldermen, *fo.* 58. *James Clavering* appointed firſt, and the modern Sheriff, &c. *fo.* 59. The ſaid *William Jenniſon* Mayor, and thirty five perſons more are appointed to be the firſt and mordern Common-Council-men, &c. *fo.* 60, 61. *Matthew Chapman*, and *Rowland Tempeſt* are appointed to be firſt, and the modern Coroners, &c *fo.* 62. *George Dent* appointed firſt Clerk of the Chamber, *fo.* 62. *Francis Burrel* and ſeven others, appointed to be the firſt and the modern Chamberlains of the ſaid Town, *fo.* 63. *George Still* appointed Sword-bearer, *fo.* 63 *George Selby* and ſeven other perſons appointed to be the firſt Serjeants at Mace, &c. *fo.* 63.

Officers for life

To fine refuſers of Offices.

The Recorder no Burgeſs.

Every Officers name.

From the 18. leaf to the 65 leaf concerning the Officers of *Newcaſtle*.

(E) The

The ſaid Queen grants to the ſaid Mayor and Burgeſſes and their Succeſſors for ever, that they may hold one Court of Record in Guilde-hall, before the Mayor upon Monday in every week through the year, except in the weeks of *Chriſtmas*, *Eaſter*, and *Pentecoſt*, &c. *fo.* 65. and another Court upon Wedneſdaies and Fridaies in every week throughout the year, except in the ſeveral weeks aforeſaid; and all Pleas of Debts, Covenants, Detenue, Treſpaſſes, &c. *fo.* 66, 67. and pleas of Court of Pipowder, &c. *fo.* 68. and Courts of the Upper-Bench, Juſtices of the Bench, and Juſtices of Aſſize before the ſaid Mayor, *fo.* 69, 70. And that the Mayor and Burgeſſes in the Court, to be holden before the Mayor, and in the Court to be holden before the Sheriff and their Succeſſors, in all and ſingular Suits, &c. may attach the parties Defendents in the ſame Suits, &c. *fo.* 71. in their Lands and Goods, and commit them to their priſon called Newgate, &c. *fo* 72, 73.

To hold Courts of Record. See chap. 41. C.

The Mayor, the ten Aldermen and Recorder of the ſaid Town for ever, to be joyntly and ſeverally Keepers of the Peace, &c. within the ſaid Town, &c. and to chaſtiſe and puniſh malefactors, &c. *fo.* 73, 74, 75, 76.

Conſervators of the peace Chap. 37. Chap. 36.

And further, That they the 12, 11, 10, 9, 8, 7, 6, 5, 4, or 3 of them, whereof the Mayor to be one, be Juſtices of the ſaid late Queen, her Heirs and Succeſſors, to enquire upon oath, &c. *fo.* 76. of all Murders, &c. Foreſtallers*, Regrators, &c. and of all other matters whatſoever done or committed, &c. *fo.* 77, 78, 79. ſo that the Keepers of the Peace in *Northumberland* and *Durham* do not enter for any matter of Peace, &c. to be ended and determined in the ſaid Town of *Newcaſtle*, *f.* 80.

To enquire of all miſdemeanors to the Law Foreſtallers, Regrators, &c. *See St. 5, 6, Ed. 6. 15.

(F) The Queen grants to the ſaid Mayor and Burgeſſes and their Succeſſors, that they may as often as need ſhall require impoſe, &c. Fines*, Penalties, Taxations, Cuſtoms, &c. for the publick uſe of the Mayor and Burgeſſes of the ſaid Town, to be kept in their common Chamber, and to be expended for their publick uſe, *fo.* 81. or by their Officers from time to time to be levied, ſuch as before time were lawfully taxed and impoſed, &c. and that the ſaid Mayor, &c. may uſe all the means they can to levy and gather the ſame, *fo.* 82.

Reaſonable Taxation of fines &c. for the Towns uſe. *See St. 23, Ed. 2. 6.

The

Gaol-Deliveries and Coronors, &c. See Sta. 3 H. 7. 1 Town Moor is without their liberties, only liberty to get Coals. They have no other liberties but within the walls of the Town. Quere, what Interest they have in the Port, for it extends seven miles above, and seven miles below the Town of *Newcastle* which is further then their right of Inheritance reacheth. Q. Esq. her Lease of the Manor of Gat. & *Wick.* made to *W. Reddel*, & others in trust for the Mayor & Burgesses of *Newcastle* for the time being See Stat 7. Ed. 6. 10. * The copy concerning the Sta. of 10 E. wh ther the Lease be good or not. 15 Ric. 2, 5.

(G) The Queens pleasure further was, that the Mayor, Recorder, and Aldermen of the said Town, or five, or more of them, whereof the Mayor to be one, be Justices for Gaol Deliveries, &c. *fo.* 83. and that the Coronors * of the said Town shall deliver all Juries, Inquisitions, pannel Attatchments, &c. and make return of them to the Mayor, &c. in all their Gaol Deliveries, &c. *fo.* 84. and do execute the Precepts of the Mayor, &c. in such manner as any Sheriffe of *England* was accustomed to do at the Gaol Deliveries for their several Counties; and that the said Mayor, Recorder, and Aldermen may *fo.* 85. erect Gallows within the Liberties of the said Town to hang Felons, &c. And that the said Mayor, Recorder, and Aldermen, or five, or more of them may take and Arrest what Felons, Theeves and Malefactors soever, within the Town and Port of *Newcastle*, and Port aforesaid, or the Precinct, or Liberties of them, are found, &c. and may bring them to Prison there *fo.* 86.

(H) The said Queen gives Licence to *William Reddel*, and to six others, and to what subjects or subject whatsoever, of the said late Queeen her Heirs and Successors, Assign or Assigns, Tenants, or Farmers, *fo.* 87. of the Mannor of *Gatesside*, and *Wickham* with their Appurtenances in the County of *Durham*, by vertue of a Lease to the said Queen made (amongst others) by *Richard* late Bishop of *Durham* by his Indenture dated the 26 of *April* in the 24 year of her Reign, 1582. for ninety nine years from the making thereof; and that the said Assign or Assigns, Tenants, Farmers, *fo.* 88. of the Premises so demised, and their survivors. The said Mannors or Lordships of *Gates-side* and *Wickham*, with their Appurtenances may grant and assign to the said Mayor and Burgesses, and to their Successors for the residue of the years then to come; and to the Mayor and Burgesses of the said Town, and to their Successors, That the said Manners, and Lordships of *Gatesside*, *fo.* 89. and *Wickham* aforesaid, with their Appurtenances may have and hold, during the residue of the years then to come, the said Queen for her, her Heirs and Successors, gave special Licence, notwithstanding the Statute of *Mortmain* * or any other Statute, &c. *fo.* 90.

(I)

(I) The Queen pardoneth and releaſeth to the ſaid Mayor, and Burgeſſes, and to their Succeſſors, and to every Subject and Subjects whatſoever, &c. All, and all manner of pains, Penalties, forfeitures, and ſums of money, and all other charges whatſoever to the ſaid Queen, or to any her Progenitors, *fo.91.* theretofore forfeited by vertue of an Act of Parliament of King *Henry* the fifth at *Weſtminſter* in the ninth year of his Reign, onely publiſhed for the aſſurement of Keels by Parliament Commiſſioners aſſigned, or by pretence of another Act of Parliament begun at *Weſtminſter* in the one and twentieth year of King *Henry* the eighth, *fo.92.* Intituled an Act concerning *Newcaſtle*, and the Port there, for the loading or unloading of any Merchants goods within this Kingdome, or elſewhere to be ſold from any Ship or Ships, or other Veſſels, in, or at any place or places within the Port and River of *Tyne*, between *Sparhawk*, *fo.93.* and *Hadwyn* ſtreams, but only at the ſaid Town of *Newcaſtle*, and not elſewhere, under pains and forfeitures in the ſaid Act contained and ſpecified. And by vertue of another Act of Parliament at *Weſtminſter* aforeſaid the three and twentieth of *January* in the firſt yeer of the late Queen *Elizabeth*, Intituled an Act limitting the times of expoſing upon Land-Merchandizes from parts beyond the Seas, and concerning Cuſtomes and Sweet-Wines, and there it was enacted (amongſt others, for, and concerning *fo.94.* the loading or unloading in, or from any Ship, or other Veſſel, any Goods, Wares, or Merchandizes againſt the ſaid Act, &c. or to the late Queen, due, and forfeited by vertue of the ſaid Acts, and all the Goods, and Chattels, Lands, and Tenements of the ſaid Mayor and Burgeſſes, &c. being the foreſaid penalties and forfeitures, &c. *fo.95.*

See this Act at the Rolls, whether there be ſuch a penalty or not? becauſe the ſame is a private Act

Now followeth the Charter of the Free Hoaſt-men of Newcaſtle.

(K) Moreover the Q. grants to the ſaid Mayor & Burgeſſes, and to every Subject & ſubjects of hers, her Heirs & Succeſſors, Inhabitants & Burgeſſes of the ſaid Town commonly called

Hoaſt-men in every ſeaſon fitting, and hours accuſtomed, the Cuſtomes and Subſidies, and other profits to the ſaid Queen her Heirs and Succeſſors due to be paid, and to the Cuſtomers, and *fo.96.* Collectors of the ſaid Queen and Succeſſors agreeing thereupon to be charged or diſcharged, ſhipped or unſhipped, Pit-coals, Grind-ſtones, Rub-ſtones, and Whet-ſtones near *Newcaſtle*, &c. ſuch Ship, Veſſel, &c. was of ſuch a capacity, or for any other reaſonable cauſe, that they could not fitly apply to *Newcaſtle*, that then in ſuch caſe, the Mayor and Burgeſſes of the ſaid Town, as their ſervants, &c. *fo.97.* might and may load and unload ſuch ſhip and ſhips, veſſel, and veſſels with Coals and Stones aboveſaid, in their Port between *Sparhawk* and *Newcaſtle*, being diſtant by eſtimation not above ſeven miles. And further the Queen willeth, *fo.98.* and commandeth the ſaid Mayor and Burgeſſes, &c. and their Succeſſors, and every Subject and Subjects of her, her Heirs and Succeſſors, Inhabitants of the ſaid Town called *Hoaſtmen*, that they the ſame ſhips being of ſuch a capacity that they cannot fitly ſail to the Town of *Newcaſtle*, to charge, and diſcharge themſelves of Coals and Stones, *fo.99.* ſo nigh *Newcaſtle* as conveniently may be done without fraud, &c. and that under the pain of one hundred ſhillings to be levied for the Queens uſe, her Heirs and Succeſſors, to be forfeited for every ſhip or veſſel ſo charged or diſcharged, contrary to the true intention mentioned in the ſaid Letters Pattents, and for that the Queen willeth that the Mayor, Burgeſſes and Inhabitants of the ſaid town, &c. *fo.100.* being Burgeſſes, may ſerve the Queen and her Succeſſors with more commendable ſervice, and may furniſh the Queen, &c. with Mariners more cheerfully in our greateſt wars, as we have heard they have done in times paſt; and for that the ſaid Town hath been a faithfull fortreſſe and defence, fighting againſt the Rebels in times paſt, and hath behaved it ſelf moſt dutifully to us, and to our Progenitors, &c. *fo.101.* reſiſting the ſaid Rebels. The Queen therefore giveth and granteth to the Mayor, Burgeſſes, and their Succeſſors all the Felons, goods, unto themſelves, and of Fugitives convicted and attainted, and of Out-lawed perſons, &c. *fo.102.*

100. ſhillings for every Ship or Veſſel.

All Felons goods granted.

(L)

(L) And whereas the Town of the *Newcaſtle* upon *Tyne*, is a Town of Merchants, a Mart, or Market of great fame, and ſtuffed with a multitude of Merchants dwelling therein, and of others, as well home-bred thither flowing, and there expecting their Trade of Merchanting, and thereupon it is neceſſary to order and eſtabliſh a certain Order within the ſaid Town, *fo.*103. and the ſpeedy recovery of Debts to Merchants, &c. due according to the Statute of *Action Burnel*, &c. The Queen granteth, *fo.*104. to the Mayor and Burgeſſes, and their Succeſſors, that the Mayor for the time, for ever thereafter ſhall have power, together with the Clerk to that end ordained, to take Recognizances according to the form of the Statute of *Action Burnel*, and of the Statute of Merchandize made in Parliament in the time of King *Edward* the firſt, and that there ſhall be a Clerk in the ſame Town, which ſhall be called the Clerk of the Queen, her Heirs and Succeſſors, to take Recognizances of Debts, according to the ſaid Statute, *fo.* 105. The Queen appoints *William Jackſon* Gentleman to be her firſt, and then modern Clerk for taking Recognizances of Debts within the ſaid Town, to enjoy the ſame during his life, and after his death the Mayor and Burgeſſes, &c. *fo.* 106. are impowred to prefer to the ſaid Office, *fo.*107. another of the Burgeſſes of the ſaid Town to be the Queens Clerk (as before) and to continue ſo long as it ſhould pleaſe the Mayor, &c. *fo.*108. And ſhall have a Seal in two peeces for ſealing the ſaid Recognizances, and the Mayor to have the cuſtody of the greater peece, and the Clerk, *fo.*109. ſhall have the cuſtody of the leſſer peece of the ſaid Seal, &c. So that if a Merchant, or any other ſhall be made a Debtor, he may come before the Mayor and Clerk of Recognizances, and before them acknowledge his Debt, and day of payment. *fo.*110. And the ſaid Mayor and Clerk may do and diſpatch all other things which by the Statute aforeſaid are requiſite, &c. *fo.* 111. The ſaid Clerk is to have ſuch Wages, Fees, Rewards, and Emoluments for the execution of the ſaid Office, as any other Mayor of any other Town or City in *England*, &c. *fo.*112. lawfully, and of right hath or receiveth, &c. *fo.*113.

Halam a Rebel they took in the 29. year of K. *Hen.* 8 he ſided with Sir *Th. Moor* to maintain the Popiſh Religion, this was here great ſervice.

The Queen & her Heirs, and Succeſſors are to have their Clark of Recognizances.

The Mayor to have a Seal. See chap. 46. A

The Town of *Newcaſtle* diſcharged of Toles, &c.

(M) The Queen granteth by the ſaid Charter to the Mayor, and Burgeſſes and to their Succeſſors, and to the Inhabitants of the ſaid Town, that they be quiet and diſcharged, *fo.* 113. of Toles, Paſſages, Poundage, Murage, Chimage, Paunage, Laſtage, Stallage, Carriage, Picage, Tronage, Hidage and Wharfage for their Goods and Merchandizes, as well by Land as by Sea, as well in Fares as in Markets, and all ſecular Cuſtoms over the Queens Lands, on this ſide and beyond the Seas, &c. *fo.* 114.

Profits of Toles of Markets and Fares in *Newcaſtle* and liberties to be levied for the uſe of the Mayor. They may take but pay no Toles.

The Queen further granteth to the ſaid Mayor, Burgeſſes and their Succeſſors, that they ſhall have for their publick uſe all and ſingular ſuch like Toles, and all other Cuſtoms, Toles, Profits, and Advantages in Fares and Markets, holden and to be holden within the ſaid Town, and any other times whatſoever by themſelves, *fo.* 115. to be levied and gathered, and to be expended to, and for the uſe of the ſaid Mayor and Burgeſſes, and their Succeſſors, &c. and the ſaid Queen forbiddeth that any man diſturb them, &c. *fo.* 116.

* See 3 *Ed.* 1. 20. Chap. 29. 48, 49.

Merchant Strangers ſelling and buying of merchandizes at *Newcaſtle.*

* See. Sta. *Rich.* 2. 7. 14 *Rich.* 2. 9. 5. 6 *Edw.* 6. 9. See cha. 51. A.

(N) The ſaid Queen alſo grants to the ſaid Mayor and Burgeſſes and their Succeſſors, that no Merchant Stranger*, from the liberty of the ſaid Town of *Newcaſtle*, may ſell to any Merchant Stranger, any their merchandizes within the ſaid Town (except Victuals, and beſides in Markets and Fares, to be holden within the ſaid Town and limits thereof) nor ſuch Merchant Stranger may buy any Merchandizes (except and beſides as is before excepted,) *fo.* 117. of any Merchant Stranger within the ſame Town and liberty thereof other than in groſs, upon pain and forfeiture* of thoſe Merchandizes to be had and levied for the publick uſe of the ſaid Mayor and Burgeſſes, *fo.* 118.

* See ch. 49. D ch. 51. A.

A general confirmation of all liberties, &c.

The Queen moreover granteth that the ſaid Mayor and Burgeſſes and their Succeſſors, *fo.* 118. may have hold, &c. all ſuch like Liberties, Cuſtoms, Franchiſes, &c. and all other the premiſes, &c. to the ſaid Mayor and Burgeſſes granted and confirmed, as is before expreſſed, and that they may injoy and uſe them for ever fully, freely, &c. without impeachment, moleſtation, &c. *fo.* 119.

Further the Queen pardoneth and releaſeth to the ſaid Mayor

Mayor and Burgeſſes and to their Succeſſors, all and all manner of Actions, Suits, Impeachments by Writ of *Quo Warranto* * to be brought or executed againſt the ſaid Mayor, *fo.* 120. and Burgeſſes and their Succeſſors, by the ſaid late Queen &c. or by any of her Officers by reaſon of any Franchize, Liberty, &c. by the ſaid Mayor and Burgeſſes, or their Predeceſſors, within the ſaid Town and limits thereof, before times challenged or uſurped, and that the ſaid Mayor and Burgeſſes ſhall be quit and altogether diſcharged for ever, *fo.* 121.

* See 31. El. 1 A diſcharge of all former actions to be brought againſt them by Writ of *Quo Warranto*. It doth not clear ſince. Burgeſſes to be admitted by the Mayor and Burgeſſes.

The Queen further granteth that every perſon or perſons who for ever hereafter ſhall be admitted to be Burgeſſes, &c. ſhall be admitted by the Mayor and Burgeſſes, &c. or by the greater part of them, *fo.* 122.

(O) Moreover the Queen (often conſidering in her mind of how much availe it is to the Commonwealth of *England*, to have Youth well educated and inſtructed from their tender years, &c. *fo.* 123. ordaineth and granteth, that within the ſaid Town of *Newcaſtle* and the Liberties thereof, that there be erected, and for ever there be one Free Grammer-Schoole, which ſhall be called the Free Grammer-School of Queen *Elizabeth* in *Newcaſtle*, and ſhall conſiſt of one Maſter and Schollars to be inſtructed in the ſame, and that they the Maſter and Schollars of the ſame School, *fo.* 124. for ever hereafter ſhal be one Body corporate in Law, fact, and name, by the name of the Maſter, and Schollars of the Free Grammer-School of Queen *Elizabeth* in *Newcaſtle* upon *Tyne*, &c. and by that name may have perpetual ſucceſſion, and ſhall be in perpetuall times to come, *fo.* 125. perſons able and capable in the Law, of having, purchaſing, &c. Lands, Tenements, &c. to them and their ſucceſſors in Fee ſimple, or for term of years, ſo they exceed not the yearly value of 40 li. and ſo they be not holden of the ſaid Queen her Heirs and Succeſſors in chief, nor by Knights ſervice, &c. *f.* 126, 127, 128. and that the Mayor and Burgeſſes of *Newcaſtle* and their Succeſſors or the greater part of them, &c. *fo.* 129. ſhal have power to make an honeſt, learned and diſcreet man to be the firſt and modern Uſher in that School, there

A new Free Grammer-School to be erected and called by the name of Qu. *Eliz.* her Free Grammer School.

to continue during the good pleaſure of the Mayor and Burgeſſes, &c. *fo.* 130. and if it happen the Maſter and Uſher to die or leave the ſaid School &c. *fo.* 131. then they may chuſe other men to be Maſter and Uſher, &c. *fo.* 132, 133.

*See Sta. 21. *Jacobi* cap. 3. Mayor and Burgeſſes Petition, having been an antient Fraternity commonly called Hoaſt men, for the diſcharging and better diſpoſing of Sea-Coals, &c. that they may be incorporated in one Body.

(P) AND whereas the Mayor and Burgeſſes of *Newcaſtle* more deeply conſidering and weighing the effect of divers Letters Pattents, &c. And whereas the ſaid Town is an ancient Town, and the Mayor and Burgeſſes of the ſame, time out of mind *fo.* 133. of man, they have had a certain Guild or Fraternity, commonly called Hoaſt-men *, for the diſcharging and better diſpoſing of Sea-coals, and Pit-coals, Grind-ſtones, Rub-ſtones, and Whetſtones, in and upon the River and port of *Tyne*, which Guild or Fraternity is granted or eſtabliſhed by none of the ſaid Letters Pattents: Whereupon the ſaid Mayor and Burgeſſes have humbly ſupplicated the ſaid Queen, that in ſupply of the ſaid defects, That We would exhibit Our liberality and favor, *fo.* 134. and that We would vouchſafe to make, reduce, and create the ſaid Guild into a Body corporate and politick, &c. The ſaid Queen therefore Ordaineth, *fo.* 135. appointeth, and granteth, that *William Jenniſon* the elder, and 44 perſons more, commonly called the Hoaſt-men of the ſaid Town of *Newcaſtle* upon *Tyne*, and Brethren of the ſaid Fraternity, and all others which now are or hereafter ſhall be elected, admitted, &c. into the ſaid Guild or Fraternity, of the ſaid Hoaſt-men of *Newcaſtle* upon *Tyne*, *fo.* 136, 137. hereafter, & ſhal be one Body corporate and politick in Law, Fact and Name by the name of the Governor, and Stewards, and Brethren of the Fraternity of the Hoaſt-men in the Town of *Newcaſtle* upon *Tyne* &c. one body corporate and politick, really and at full, for Us, Our Heirs and Succeſſors We do erect, make, ordain and creat, &c. And that by the ſame name they may, and ſhall have a perpetual ſucceſſion, and are, and ſhall be in perpetual times to come, perſons able, and in Law capable to have, purchaſe, receive, and poſſeſs, *fo.* 138. Lands, Tenements, Liberties, &c. to them and their Succeſſors in perpetuity * and otherwaies, and to give, grant, demiſe, &c. the

The Queen ordaineth them ſo to be, names 45 to be the Guild or Body corporate. This is called a Monopoly, in the Stat. of the 21. K. *Jam.* c 3.

Enables them to become purchaſers in perpetuity.

*See Stat 15. *Richi.* 2. 5, 7. *Ed.* 1.

the ſame Lands, Tenements, and Hereditaments, and to do all other things by the name aforeſaid, and that by the ſame name they may plead or be impleaded, &c. in what Court ſoever. &c. *fo.* 139 140.

(Q) And that the ſaid Governor, and Stewards, and Brethren of the Hoaſt-men of the Town *fo.* 140. of *Newcaſtle* aforeſaid, and their Succeſſors that ſeal at their pleaſure, may break, alter, and make, as to them ſhall ſeem good. And the Queen appointeth that there be and ſhal be for ever hereafter of the number of the Hoaſt-men, &c. which yearly upon the fourth of *Jan. fo.* 141. ſhall be choſen, &c. by the ſaid Brethren of that Fraternity, &c. to be Governor, &c. And likewiſe there ſhall be for ever hereafter two honeſt and diſcreet men of the ſaid number of Hoaſt-men, &c. *fo.* 142. who ſhall be the ſaid fourth of *January* choſen by the ſaid Governor, Steward, and Brethren of the ſaid Fraternity, &c. And that the Queens will in the premiſes may have a more excellent effect, She *fo.* 143. aſſigneth, nameth, and createth *William Jenniſon* the elder to be the firſt and modern Governor, &c. *fo.* 144. Moreover She hath aſſigned, named, conſtituted and appointed *Francis Anderſon*, and *John Barker* to be the firſt and modern Stewards of that Fraternity, &c, *fo.* 145, 146, 147, 148, 149.

To make a Seal and break it at pleaſure. See chap. 46 A

To have a Governor.

(R) The Queen further grants to the ſaid Governor, Stewards and Brethren of the ſaid Fraternity of Hoaſt-men, &c. and to their Succeſſors *fo.* 149. that the ſaid Governor, Stewards, and Brethren, &c. and their Succeſſors, &c. ſhall have in every fit time for ever hereafter full power of meeting in their Guild-hall, or in any other place convenient within the ſaid Town, and there to conſtitute, make, *fo.* 150. ſuch Laws *, Inſtitutes, &c. which to the ſaid Governor, Stewards, and Brethren, &c. good, wholeſome, profitable &c. according as they ſhall think good, for the good Rule and Government of the Governor, Stewards and Brethren of the ſaid Fraternity, and for Declaration by what means and Order they *fo.* 151. and their Factors, Servants, and Apprentices in their Office and buſineſſes concerning the ſaid Fraternity they ſhall have car-

Power to make Laws in their Guild, as be pure, wholeſome, good, and profitable for the good Government of the ſaid Company.

*See 19 *Hen.* 7. 7

ry

ry and uſe, &c. And that the Governor, Stewards, and Brethren of that fraternity, &c. as often as they grant, make, ordain, or eſtabliſh ſuch Laws, Inſtitutes, inform *fo.* 152. and they may impoſe ſuch pains, penalties ‖, puniſhments, and impriſonments * of body, or by fines, &c. upon all Delinquents againſt ſuch Laws, (S) Inſtitutes, &c. as to them ſhall be thought neceſſary and requiſite, and as to them ſhall be thought beſt for the obſervation of the ſaid Laws, Ordinances, &c. *fo.* 153. and the ſaid fines and amerciaments at their diſcretions they may levy, have, and retain to them and their Succeſſors to the uſe of the Governor, Stewards, and Brethren aforeſaid, without calumny, &c. All which, and ſingular Laws, Ordinances, &c. the ſaid late Queen willeth to be obſerved; ſo that the ſaid Laws, Ordinances, *fo.* 154, &c. be not repugnant to the Laws or Statutes of the Kingdom of *England*.

‖ See Stat. 25. *Ed.* 1. 5. To impoſe penalties by fine or impriſonment upon the Offendor.

* See 28 *Edw.* 3. 3. And to have all fines for the Companys uſe. See cha. 43. D. Such Laws to be obſerved, if they be not repugnant to the known Laws of *England*. See St. 19. *Hen.* 7 7.

And further the Queen granteth to the ſaid Governor, Stewards, and Brethren, &c. and to their Succeſſors, that for ever hereafter they and their Succeſſors, &c. *fo.* 155. may have and ſhall have full power from time to time at their pleaſure to chuſe, name and ordain other inhabitants, and Burgeſſes of the ſaid Town, &c. to be and ſhall be Brethren of the ſaid Fraternity, &c. who, ſo elected, nominated and ſworn, ſhall be named, and be Brethren of that Fraternity.

Moreover *fo.* 156. the ſaid Queen grants licence, power, and authority to the ſaid Governor, Stewards, and Brethren, &c. and to their Succeſſors, that they for the time being and their Succeſſors and every of them for ever hereafter may and ſhall quietly and peaceably, have, hold, uſe, and enjoy all ſuch Liberties, Privileges, &c. *fo.* 157. concerning the loading, and unloading, ſhipping, or unſhipping of Stone-coals, Pit-coals *, Grind-ſtones, Rub-ſtones, and Whetſtones, (T) And that they may for ever hereafter load and unload, ſhip and unſhip, in or out of any ſhips or veſſels, Pit-coals, and Stones aforeſaid, within the ſaid River and Port of *Tyne*, in any place or places as to them ſhall be expedient *fo.* 158. between the ſaid Town of *Newcaſtle*, &c. and the

They to have all the loading or reloading of coals, &c. in that Port, in any part of the Port notwithſtanding the Statute of the 21. *Hen.* 8. c. 18. See Sta. 21. *Fl.* 3. a monopoly.

the aforesaid place in the aforesaid River, called the *Starhawke*, so nigh to the said Town of *Newcastle*, &c. as conveniently may be done, according to the true intention of these Letters Pattents, as the men and Brethren of the said Fraternity at any time have used and accustomed, notwithstanding the Statute of King *Hen.*8. the 3. of *Novemb.* in the 21. year of his reign, and from thence adjourned to *Westminster* holden published 1559. Intituled, *An Act concerning Newcastle, and the Port and* &c. *to the same belonging*, or any other Act &c. notwithstanding: And the said Queen also willeth, &c. for that expresse mention &c. Witness the Queen at *Westminster* the 22 of *March*, in the 13 year of her reign. *fo.*160.

It is conceived this Charter could not repeal that Statute.

What a world of profits is given from the Crown which ought to maintain it, and would have so filled the Coffers as that there had been little need of Setments, &c.

Having read some works of those late famous Expositors of the Law, I drew two or three heads out as Observations for the knowledge of those who know them not, written by way of explanation of our known Laws, as being a Law used time out of mind, or by prescription.

The Law of Nature is, that which God infused into the heart of man for his preservation and direction, and that the Law of *England* is grounded upon six principle Points; the Law of Reason, the Law of God, divers Customs of this Land, of divers principles and maxims, divers particular customs, and of divers Statutes made in Parliament.

The fundamentall Lawes of *England* are so excellent that they are the Birth-right, and the most antient and best Inheritance that the free people of *England* have, for by them, they enjoy not onely their Inheritance and Goods in peace and quietness, but their Lives and dear Country in peace and safety. *Cooks* Preface to the sixth Replication, and on *Littleton l.*2. *c.*12. *sect.*213.

Sometime it is called Right, sometime Common Right, and sometimes *Communis Justitia*; and it is the same Law

which *William* the Conqueror found in *England*, the Laws which he ſware to obſerve, were *Bonæ &c. approbatæ antiquæ Regni legis.*

Charter-Law being ſo repugnant to the above written, and ſo deſtructive to the weal of the people, that never any Writer ever writ of them, nor ever any Parliament Enacted their publication, knowing they were no other then Prerogative, and dyes with the Donor. And it is an infallible rule, where no Law is publiſhed, there cannot be any tranſgreſſion, or obedience required.

The Corporation of *Newcaſtle* hath but two Supporters to ſtand and fall by, firſt, Preſcription, ſecondly, Cuſtom.

As to Preſcription a *Quo Warranto* will avoid that upon a legall tryal, it being underſtood that Charters are void by reaſon of the change of Government, if not, yet by breach of Charter, exceeding their power, being nothing elſe then a fallacy.

And as to plead Cuſtom, they have no right, nor never in poſſeſſion of what they claim, Cuſtomary Right is good Law, but Cuſtom without Right, is but an old error, and ought to be removed; Drunkenneſs and Swearing is cuſtomary, is it fit it ſhould ſtand becauſe of its cuſtom?

Kings were before Corporations, and could have better juſtified themſelves for a continuance, than Corporations, by reaſon they might plead Hereditary, or Electary, Conquerors or Cuſtomary, yet being found a grievance was taken and removed for their Arbitrary actings, why then muſt their power ſtand, that is no Law?

If it were juſtice to execute thoſe two Judges, *Empſon* and *Dudly*, for onely putting a Statute Law in execution not repealed, which is above Charters, being grievous to the people; it were nothing more to execute Juſtice upon ſuch who acts the ſame without any Law.

King *John* who was a Murderer, yet commanded a murderer to be taken from the Altar, and ſent to the ſlaughter, Here was Juſtice.

Why do not our juſt Judges ſend ſuch like from the Char-

ter

ter to the ſlaughter? If *Strafford* loſt his life for acting oppreſſively by an Arbitrary power, why not others for the ſame?

CHAP. XII.

King James *his Charters and Orders.*

Mars, Puer, Alecto, Virgo, VULPES, LEO, Nullus.
Iames king of England Scotland and Ireland &c

(A) KIng *James* in the second year of his reign, being humbly supplicated by the Mayor and Burgesses of *Newcastle*, that he would be graciously pleased to confirm all their antient Grants and Charters, and to give them further powers, especially of the River of *Tyne*, The King confirms their Charters, but grants nothing new, onely alters the Election of their Officers, and prescribes them new Oathes to be administred to the said Officers in their Elections, which Charter is in the Chappel of Rolls.

(B) Also the King and his Council grants them the confirmancy of the River of *Tyne*, by giving nine Articles upon the 29. of *January* 1613. and joyned in the said Order. The Bishop of *Durham* and other Justices of Peace of the County of *Durham* and *Northumberland*, with the six Aldermen of the said Town of *Newcastle*: But three years after being weary of partners, the Mayor, Aldermen and a Jury of the Burgesses, exhibited a great complaint to the King and Council at White-hall, of the great decay of that River occasioned by the said Commissioners, through their neglect and breach of Trust. Which Complaint, begat this following Reference from the Council Table, and further power to add to the former, See chap. 34. (C.) 35. (A.B) 28. (A P)

(C) Whereas upon complaint of the decay of the River of *Tyne*, and of the daily abuses done and committed to the prejudice of the same. Certain Articles were granted on the 29 of *January* 1613. and commanded to be put in execution for the remedy of such abuses. And for as much as a Jury of *Newcastle*-men have by their Petition to this Board grievously complained those Articles were wholly neglected by the Mayor and six Aldermen of the same Town, and the Bishop of *Durham* and Justices of Peace, all which were joynt Commissioners for the preservation of that River; The River decaying so fast, that in short time it would be dord and wrecked up with sand, &c. If not Order soon taken therein. The Council Ordered Sir *Ralph Winwood*, Sir *Julius Cæsar*, and Sir *Daniel Dun* one of the Judges of the Admiralty, with the assistance of the Trinity Masters of

London

London, to draw up Thirteen Articles more to be joyned with the former nine. And by special Order of his Majesties Council at White-hall was given and commanded that all the said Two and twenty Articles be put in execution for the conservation and preservation of the River of *Tyne* by the Commissioners hereafter named. Or else to forfeit all the Towns Liberties into the Kings hands. See chap. 13. See Chapters 19, 24, 25, 26, 28, 34 (A, B) 35 (A, B)

(D) And though the Commissioners formerly appointed for the execution of the former Articles, are persons of place and quality, and otherwise well deserving of the publick. Yet for as much as contrary to the Trust reposed in them they have altogether neglected their duty therein, whereof further notice may be taken as occasion shall require. It is thought expedient that these persons following be named and authorized Commissioners for the due performance and execution, as well of the said former Articles, bearing date the 29. of *January* 1613. as of those now devised and published, with the joynt consent and good liking of the Aldermen of the Town of *Newcastle*, and others attending their Lordships in that behalf, for the safety and conservancy of that River.

(E) The Names of the Commissioners at *Newcastle* for the River of *Tyne*.

The Mayor	*John Holbourn*
William Warmouth	*Hen. Johnson*
Timothy Draper	*Edw. French*
Cudb. Bewick.	*Tho. Ewbanck*
Tho. Wynn	*George Wallis*
Leo. Car	*Ralph Cox*
Robert Leger	*John Eaden*
John Stubs.	*John Butler.*
Robert Chamberlain.	

(F) 29 *January*, 1613. See Sta. 23 Hen. 8 5.

1 That the owners of every Salt-work on either side of the said River of *Tyne* built and to be built, do within six months build up their Wharfs and Keyes sufficiently above

a full Sea-mark in height of the water to be appointed by the Mayor and six Aldermen, to the end, neither Coals nor Rubbish do fall off into the River.

2 That all Wharfs and Keys in all parts of the River of *Tyne*, be damm'd and back'd with Earth, and not with Ballast.

3 That no Ballast be cast at *Shields* by any vessel which loadeth either with Coals or Salt, or other Commodities, nor any Ballast Wharfes to be built there, or used for that purpose. See Chap. 19.(H) 24.(E)18.(A)

4 That all Salt-pan Owners shall carry away their Pan Rubbish from off their Keyes or Wharfs every forty dayes that none fall into the River.

5 That no Ballast be cast but upon sufficient Ballast Wharfs, built, and to be built above a High-water mark, and to be allowed by the Mayor and six Aldermen in any part of the River. See Chap. 49.(G)

6 That the Surveyors, Unladers, and casters of Ballast, according to their offices and duties, shal every week cause all the Ballast which falls off the Ballast shores into the River, to be taken up again, and cast upon the Ballast Wharfs. And to take care that the Ships have a good sayl to lye between the ship and shore, that none of the Ballast fall between into the River. See Chap. 49.(G)14.(B) 34.35.

7 That no Coals nor Stones be digged within sixty yards on a streight line from a full Sea-mark in any part of the River, to the end none fall in.

8 That some strict and severe punishment be inflicted by the Mayor and six Aldermen upon any such Master of Ship or Keels as shall presume to cast any Ballast upon any insufficient shores, or into the River. See Chap. 49.(E) 39.14 (C)

9 That there shall be no wyers, dams, or other stoppage, or casting of Ballast in or neer the said River, or Creeks running into the said River of *Tyne*, or within eight miles of the Town of *Newcastle*, but such as shall be allowed by the Mayor and six Aldermen of the said Town, such shores being sufficiently Wharfed. See Chap. 34.

Thirteen Articles more granted, Feb. 14. 1616.

10 That no Lighters, Boats, or Keels with Ballaſt be ſuffered to go up and down the River of *Tyne* in any night Tyde, to prevent the Keel mens caſting Ballaſt in to the River, they often uſing ſo to do, being more eaſie, and leſſe labour to caſt it into the River than upon the top of the Ballaſt ſhores, which ſpoyls the River, the Commiſſioners are to take care herein to ſee the putting hereof in execution and to puniſh offenders. See Chap 49. (E)

11 That Strangers ſhall be appointed every week to cleanſe the Streets in *Newcaſtle* of their Aſhes and other rubbiſh, to prevent the rain from waſhing the ſame into the River thorough *Loadbourn.*

12 That all the Gates on the Town Key be locked up every night except one or two to ſtand open for the Maſters and Sea-men to go too and fro to their ſhips, which will prevent ſervants caſting Aſhes, and other Rubbiſh into the River. And that thoſe two Gates be conſtantly watched all night long. See Chap. 49. (E) Chap. 14. (B)

13 That all ſervants dwelling with any the Inhabitants reſiding or inhabiting in the Town of *Gates-head,* and *Sand-gate,* and the Cloſe in *Newcaſtle,* be ſworn every year, not to caſt any Rubbiſh into the River. See Chap. 49. (E).

14 Whereas there hath been an ancient Cuſtome in *Newcaſtle* that every Maſter of any Ship, who is known to caſt any Ballaſt at Sea, between *Souter* and *Hartly,* or within fourteen Fathom water of the Haven, to the hurt of the ſaid River, was brought into the Town *Chamber;* And there in the preſence of the people, had a knife put into his hand, was conſtrained to cut a purſe with monies in it, as who ſhould ſay he had offended in as high a degree, as if he cut a purſe from the perſon of a man, whereby he might be ſo aſhamed that he ſhould never offend again therein; And others by his example were terrified from treſpaſſing in the like kind, that now in the time of ſo general wrongs done to the River, and the great number of ſhips which comes into that haven, this ancient cuſtome be revived, and put in execution. See *Stat. 8. Eliz. 4.* See Chap. 39. (A)

15 That

15 That whereas much Ballaſt falls off into the River of *Tyne*, between the Ships and the Ballaſt ſhores, in caſting of it out of the Ship to the great hurt of the ſame, the Commiſſioners are to ſet every Winter ſeaſon, the poor Keel-men and Shewel-men on work to caſt into Keels ſuch Ballaſt and Sand fallen into the River, and then to caſt it on the Shores or Wharf again.

16 That ſome truſty truly ſubſtantial men, Burgeſſes of *Newcaſtle* be appointed to view the River every week, and to make Oath for the abuſes and wrongs done unto the * ſame, two to be Maſters of the Trinity-houſe of that Town, they to have no Coals, nor Mines, nor Ballaſt ſhores, and to be appointed by the Commiſſioners. See Chap. 39. (35.)

17 That every owner of ground * adjoyning on that River be ordered to fence the ſame grounds to prevent the banks from falling and waſhing into the River, with the great floods flaſhes, and rains, to the great annoyance thereof. See chap. 49. (E)

18 That the Commiſſioners, namely, the Mayor, and others named before, do give unto the Maſters, Skippers of Keels, a Commiſsion to be a company for the ordering ſuch their Brother-hood, and for them to puniſh ſuch as caſt Ballaſt into the River, or doth other wrong, out of their Keels, they having been a Company formerly, conſiſting of one hundred and ſixty, which was for the good of the River; That the two great Pools of water, lying on the back of a *Ballaſt*-ſhore, be forthwith filled up, to prevent undermining of the ſhore, to the hazard of the River, if the wall, and *Ballaſt* fall down.

19 That all the Ballaſt ſhores in the River of *Tyne* be conſtantly kept in good repair * otherwiſe a hundred thouſand Tuns of Ballaſt will fall into the River to the deſtruction thereof. See Chap. 34.*

20 That no ſhip or Veſſel be ſuffered to load at *Shields*, or any *Road-ſtead* in the River, but as neer the Town of *Newcaſtle* as can be, for when they load in remote places, the wrongs cannot be ſo ſoon ſeen. See Chap. 19. (H) 24. (E)

(21) That the Commiſſioners do take good Bonds from the

the Owners of ſuch ſhores as ſhall be built to lay Coals on for Ships, and ſhall take view of ſuch places as ſhall not do hurt to the ſaid River * either by caſting Ballaſt on them indirectly, or to ſuffer them to go to decay after there is no uſe made of them, and to keep the Ballaſt from waſhing into the River. See Chap 13.34,35.

These Artic'es are all void, notwithſtanding it is all the power they can claim.

Theſe were preſent in Council that granted theſe Articles?

Lord Archbiſhop of Canterbury	*Lord* Zouch,
Lord Chancellor,	*Lord* Carew,
Lord Treaſurer,	*Mr. Comptroler*,
Lord Steward,	*Mr. Vice-Chamberlain*,
Lord Arrundel,	*Mr. Sec. Windwood*,
Lord Chamberlain,	*Mr. Secretary Lake*,
Lord Admiral,	*Mr. Chancellor Exchequer*,
Earle Buckingham,	*Mr. of the Rolls.*
Lord Biſhop of Ely,	*Mr. Attorney General.*

All theſe Articles are broke except the fifth for cutting purſes, and the ninth Article in ſtopping up the two pools, &c. read the following Order, &c.

The Council Table ordered that *Leonard Car*, and *Cuthbard Beuwick* two of the Commiſſioners which attend this buſineſſe, be allowed their charges, for their pains and attendance, and likewiſe this Board might be the better aſſured, with what care and diligence theſe directions are purſued, that the Commiſſioners do every quarter certifie of the proceedings herein, that further order might be taken upon any defect that might happen, and as ſhall be found expedient.

CHAP. XIII.

An Order to ſeize all Newcaſtles *Liberties, &c.*

UPon an Order now taken concerning the River of *Tyne*, and divers Articles, conceived fit by the board for the preventing of ſuch diſorders, and abuſes as are done, and committed to the detriment of the ſaid River. It is thought

fit, and ſo ordered for the better obſervancy of the ſaid Articles; and the more carefull endeavors of the Mayor and Aldermen of the Town of *Newcaſtle*, for the reformation and amendment of ſuch things as are hurtfull and prejudicial to ſo famous a River, which have been ſlighted and neglected beyond that which any way may be reaſonably thought of, in a matter of ſo great importance.

That upon the firſt juſt complaint renewed to this Board in that kind, his Majeſties Attorney General be hereby Authoriſed without further queſtion, or warrant, to direct ſome courſe for the ſeizing of all the Liberties of that Town into the Kings hand; of which their Lordſhips pleaſure and reſolution, is that ſuch Aldermen and others of that Town, as are now here attending that buſineſſe, were by the Board required hereby to take notice. Given at our Court at *White-hall* this 16 of *February*, 1616. See Chap. 19 (A) 24 (A) 25 (A) 25 (A) 28 (A) 34 (A) 35 (A, B.)

There were theſe preſent in Council.

Lord Archbiſhop of Canterbury,	*Mr. Comptroler,*
Lord Chamberlain,	*Mr. Vic. Chamberlain,*
Lord Arrundel,	*Mr. Sec. Windwood,*
Lord Vic. Wallingford,	*Mr. Sec. Lake,*
Lord Steward,	*Mr. Chan. Exebeq.*
Lord Biſhop of Ely,	*Maſter of the Rols,*
Lord Zouch,	*Mr. Attorney General.*

It is conceived a Writ of Seizure lyes in this caſe, by reaſon of the many grievous complaints exhibited for their exorbitant abuſes committed againſt the weal of the Nation in that River in the ſpoyl thereof as appears, * And in not putting all thoſe Articles in execution for preſervation thereof, &c.

In *Michaelmas* 1643. in the preſence of Mr. Juſtice *Snape*, Steward of the Liberties of St. *Katherines London*, the Lord Chief Juſtice St. *John* did direct to ſeize St. *Katherines* Liberties for not yeelding obedience to a Writ of the Common Bench, executed in St. *Katherines*, and the Attorney that gave the advice was committed (a good preſident.)

CHAP.

CHAP. XIV.

A return by the Commissioners of Newcastle *in the due execution of their power, &c.*

(A) THe Commissioners for Conservancy of the River of *Tyne* at *Newcastle*, returns their quarterly account of their diligent care in the due execution of the two and twenty Articles afore-mentioned unto the Council Table, by Mr. *Leon. Car*, and *Mr. Buewick*, with order to petition the Council for a explanation upon some of the said two and twenty Articles, and for further power for the preservation of the said River, especially upon the one and twentieth Article, to whom the bonds should be made; It was Ordered to the Mayor for the time being, &c.

(B) Also prayed resolution, who should repair and maintain the Ballast shoars and Coal-Wharf, as is expreſt in the nineteenth Article, Ordered that as well the Owner as the Tenant be bound to such reparation during the time use was made thereof, and onely the Owners afterwards.

(They also humbly craved their resolutions of the sixth Article, and twelfth Article, who should be at the charge of cleansing the River of the Ballast, and pay the Watchmen, &c. It is Ordered that the Town-chamber defray both the one, and the other, by reason they receive the profits of the River, &c. See Chap. 12. (6) Chap. 34. 39. 49.

(C) They also prayed the resolution of the eighth Article for the punishing of Masters of Ships; It was Ordered that the Commissioners should take bond, * with sufficient Sureties to appear before the Council to answer their contempt, and to such as refuse to give bond, then the Commissioners to commit them to prison till they give Sureties to answer at *London*, &c. See Chap. 41. (C)

Ordered that the Commissioners shall have power for ordering the Wharf, and new shoars in every place in that

River, after they are once erected, as well for the ſtrengthning as backing of them with Ballaſt, as with other Earth. See chap. 18.(F)

(E) That the Commiſsioners, there at leaſt, ſhall ſubſcribe every Ticket, and the Mayor * for the carrying up of every Keel of Ballaſt from the ſhips at *Shields* to *Newcaſtle* ballaſt ſhoars, for the more faithfull execution of that ſervice. See chap.49.(G.)*

(F) Ordered that the Commiſsioners ſhall have power to order and determine of ſuch rewards as ſhall be given to every Wherry-man, or Fiſher-man * or other that ſhall truly preſent any offence or offenders againſt any of the Articles preſcribed, to be taken out of ſuch Fines, Mulcts, and Amerciaments, as ſhall be impoſed upon any the Delinquents againſt the ſaid Articles. See Chap.39.(A)*

(G) Ordered that the Commiſsioners ſhall have power to cauſe the ballaſt already become noyſome, or in any part of the River, or like to do hurt, from the Land to be removed to a new Wharf, or fit place. See Chap. 34. (A) 35. (A.B.)

CHAP. XV.

KIng *James* on the 14. of *April*, in the ſeventeenth year of his Reign grants unto *Alexander Stevenſon* Eſq; and his Aſsigns for fifty years the whole Caſtle of *Newcaſtle*, with all Appurtenances thereunto any way belonging, at the Rent of forty ſhillings *per annum*, except the priſon, wherein is kept the ſons of *Belial*, it being the County priſon for *Northumberland*; the ſaid Mr. *Stevenſon* dyed, and left Mr. Auditor *Darel* his Executor; and left him that Leaſe, it being all he was like to have towards the payment of the ſaid Mr. *Stevenſons* debts, which was due to the ſaid Executor and others, amounting in the principal to two thouſand & five hundred pound, beſides damages, which amounted to as much more, who is kept from his right by the inſtigation of the

the Mayor and Burgeſſes, upon an Inquiſition taken the 18. of *Auguſt*, in the 18. year of King *James*, at *Newcaſtle*; It was found to be in *Stevenſon*, and now in his Executors, the ſaid *Stevenſon* dyed in *October*, 1640. they claiming a right from one widow *Langſton*, relict to one *John Langſton* Groom, Porter, *&c.* but that Title the Law will quickly decide upon a legal Trial, but the County of *Northumberland* hath the reverſion, who is kept from having a free paſſage to the Aſſizes, by the Mayor and Burgeſſes, who ſhuts up the gates which is the right paſſage, and at ſuch gates which be open, the people of *Northumberland* coming to do their ſervice at the Aſſizes holden for that County in that Caſtle, are arreſted and caſt into priſon by *Newcaſtle*, where none can bail them, but Burgeſſes of *Newcaſtle*, and often thereby ſuch people have their Cauſe overthrown, by ſuch reſtainment.

In *Eaſter* Term, in the 18. year of King *James*, Sir *Henry Yelverton* Kt: Attorny General, exhibited an Information againſt the Mayor and Burgeſſes concerning the premiſes above mentioned, where all plainly appears, amongſt other things of the Town, not to belong to them, &c.

CHAP. XVI.

(A) IN or about the eighteenth year of King *James* an Information was exhibited in the Star Chamber by the Attorny General, againſt the Mayor and Burgeſſes of *Newcaſtle* by the name of Hoſt-men, for that they having the preemption of Coals from the Inheritors in *Northumberland*, and County of *Durham* by their Charter of free Hoaſt-men 42 Queen *Eliz.* * they having the ſale of all Coals, who force ſhips to take bad Coals, or will not load them, with unmarketable Coals: being brought for *London*, prove much to the damage of the people

Which grief begot great Suits between the Merchants and Maſters of ſhips, to their diſquieting and high charge, upon which this Information was brought againſt the ſaid

Hoaft-men for ſelling of bad and unmerchantable Coals, and much Slate amongſt them, for which they were all fined, ſome 100 li. a peece, ſome more, others leſs, being found guilty; and ordered to do ſo no more, but it is proved they continue the ſame to this day. See chap. 43. (A)

CHAP. XVII.

(A) KIng *James* upon the 28 of *January* in the 16 year of his Reign grants the Admiralty of all *England*, &c. to the Duke of *Buckingham*, it being ſurrendred by the Lord High Admiral, ſo that the Title of *Newcaſtle* by vertue of the Chrater of the 31 year of Queen *Elizabeths* Reign is conceived of little force. See ch. 10. (B)

CHAP.

CHAP. XVIII.
King *Charles.*

The high and Mighty Monarch CHARLES *by the grace of* GOD *King of Great Brittaine France and Ireland.*

P. Stent excudit

(A) Sir *Robert Heath*, Lord Cheif Justice of the Common Pleas was building a Ballast Wharf or Shoar on his own Land at *Shields* adjoyning upon the River of *Tyne*, seven miles from *Newcastle*; but the Commissioners of *Newcastle*, the Mayor and Aldermen with others, obstructed the building thereof, pretending it would spoil the River; but the Lord Cheif Justice well knowing it to the contrary by the advice of most of the antient Trinity Masters of *London*, & other experienced Traders thither, went on with the building thereof, upon which in the year 1632. the said Mayor and other Commissioners exhibited a complaint to the King and Council against the same at Whitehal, complaining that if any Ballast Shoars or Wharfs were built at *Soulds*, it would much spoil the River and hinder Trade and Navigation, at which there was a legal Tryal, it appeared to the contrary, the King and Council upon the 13th. day of *July*, 1632. Ordered that Sir *Robert Heaths* Ballast shoar should bee built.

(D) In *February* next the Commissioners of *Newcastle* complained again upon the same busines, by pleading some new matter in their Petition, and the reference they obtained on their Petition, was Ordered by the King and Council this 13th. of *February* 1632. that Sir *Robert Heath*'s Ballast-shoar should be built. The Commissioners aforesaid put in the third Petition, not doubting but that by such new matter they should prevent the building of the said Shoar. Ordered by the King and Council, the 27 *Feb.* 1632. That Sir *Robert Heath*'s Ballast shoar, Wharf, or Key a building, shall be built go forward, and be quite finished. See ch. 13. (A) 19 (A) 20 (G) 34 (A.B).

CHAP. XIX.

THe Mayor and Burgesses exhibited another great complaint to the King and Council, wherein nine severall absurdities appeared, by Capt. *Crosier*, and especially against Sir *Rob. Heaths* shoar, &c.

A

At the Court at *Greenwich* the 1. of *June*, 1634.

King *Charls*.

Lord Arch. Biſh. *Canterbury*	Earl of *Bridgewater*
Lord *Keeper*.	Lord Vi. *Wimbleton*
Lord Arch Biſhop of *York*.	Lord *Newbrough*
Lord *Treaſurer*	Mr. *Treaſurer*
Lord *Privy-Seal*	Mr. *Comptroler*
Lord Duke of *Lenox*	Mr. *Vice-Chamberlain*
Lord Marquis *Hambleton*	Mr. Secretary *Winwood*
Lord *Chamberlain*	Mr. Secretary *Cook*.
Earl of *Dorſet*	

Upon conſideration this day had at the Board, his Majeſty being preſent in Council, of a complaint made by the Mayor and Burgeſſes of *Newcaſtle*, againſt the Ballaſt-ſhoars, lately built by the ſaid Sir *Robert Heath* at *Shields* upon the River of *Tyne*, pretending the ſame to be a great prejudice of the ſhipping and Navigation, and to the annoyance and damage of the ſaid River, the care & conſideration thereof was by his Majeſty eſpecially intruſted unto them, (E) and upon hearing the allegation on both ſides, with their learned Council in the Law, it was thought fit and ordered, that the ſaid Shoar ſhould be finiſhed and backed with Ballaſt to make it fit for the Salt Works, which for his Majeſties Service are begun, and intended to be performed. (G)

In the firſt place that the Sea-men ſhould have liberty freely to caſt their Ballaſt there (H) without interruption, if they find convenient, none being compelled to it, or hindred from it. That neither thoſe of the Town of *Newcaſtle*, nor free Hoaſt-men (I) (which ſel all Coals) do hinder the ſame indirectly by denying, or unneceſſary denying to carry down coals in Keels or Lighters to the ſhips which ſhall caſt their Ballaſt at that Shoar, to the end, this ſhoar which may be for the ſafety and incouragement of Navigation and Shiping, may be ſo uſed, as the ſame may neither be prejudiciall to the Town in diverting or withdrawing of Trade, nor to his Majeſty in his Cuſtoms or Duty, nor hurtful to the ſaid River,

His Majeſty will refer the ordering hereof to himſelf, as wel in the particulars aforeſaid, as in all other things thereunto appertaining, in ſuch ſort as both the Town and Seamen, ſhall find his Majeſties Regall care over them, *Sic ſubſcripſit Ex. Majeſt.* See 12. Chap. 3. 18. (D.F) 23. (A) 42. (E)

It is conceived Orders are no Laws, and the latter Order which contradicts the former, voids it; So by this of King *Charls*, voids King *James*'s for the power of the River, in Chap. 12. (I)

CHAP. XX.

Jarrow Slike, &c.

(A) ON the 4th. of *December* 1634. certain Lands and Waſts were diſcovered to the late Kings Commiſſioners, at the Commiſſion-houſe in Fleetſtreet, as belonging to the Crown concealed, eſpecially a parcel of Land or Waſte in the River of *Tyne*, called *Jarrow Slike* at *South-Shields* in the County of *Durham*, which the water at a full Sea covers every Tyde, and is by eſtimation 300 Acres, a fit and convenient place for ſhips to caſt Ballaſt at, for many years to come, without any prejudice to the River, and great furtherance of Trade, See Chap. 56. Chap. 34. (A.B)

The Mayor and Burgeſſes of *Newcaſtle* hearing thereof put in their Claim to the ſaid Commiſſioners, and alleadged that all that ground belonged to them, with all other grounds to a low-water mark, from the full Sea mark on both ſides the River from a place called *Sparhawke* in the Sea, to *Headwin-ſtreams*, which is ſeven miles above *Newcaſtle*, being fourteen miles in length granted to them and their Heirs for ever, from King *John* by Charter, and confirmed by his Succeſſors; and therefore beſeeched time to make it ſo appear. (There being no ſuch thing granted, could never make it appear.) A long time was given them, but nothing

thing appeared as truth of any ſuch Grant, and two years after, upon the firſt day of *July*, 1637. they inſtead of wearying out the Commiſsioners and Gentlemen that diſcovered the ſame, was called to make good their claim, then they became Petitioners to the Kings Commiſsioners, that they would be pleaſed to ſell that parcel of waſt ground called Jarrow-ſlike to them, and to admit them to purchaſe the ſame, for which they would give two hundred pounds, by reaſon it lay more convenient for them, then any elſe, but they would give no more money for it. See chap. 18. (*A.B*) See chap. 2.

Upon which, one Mr. *Thomas Talbot*, and Mr. *Richard Allen* of *London* gave four hundred pound and got it. The King upon the 27 of *November* 1637. by his Letters Pattents under the Great Seal of *England*, confirmed the ſame Jarrow-ſlike, and waſte ground upon the ſaid *Talbot* and *Allen*, and their Heirs for ever, they paying in to the Exchequor five pound *per annum*, as a Fee-farm Rent, which ſaid ground is in conteſt between the ſaid Gentlemen, and Sir *Henry Vane*.

If this ground to a full Sea-Mark were really the Corporation of *Newcaſtles*, it would have ſo appeared in the Charter granted by King *John*, and alſo they then might have made good their claim, and not to have become Petitioners to purchaſe the thing which was their own before even as they do in this, ſo in other things.)

Alſo if all ground be theirs from a full Sea-mark, why were they Tenants to the late Dean and Chapters of *Durham*, of certain ballaſt ſhores built to the low water-mark, on which all ballaſt is caſt.

And if all ground were *Newcaſtles* from a full Sea-mark, why ſhould Mr. *Bonner*, &c. buy the Lady *Gibs* ground, and build a Ballaſt-ſhoar to a low water-mark, and wrong the Town of their right. And why ſhould not *Gates-head*, and both the ſhields which are built to a low water-mark, pay *Newcaſtle* rent, &c. See Chap. 18. (B) 34. (A.B.)

CHAP. XXI.

(A) KIng *Charles* in *August* in the 13. year of his Reign created a new Corporation of free Hoast-men in *Newcastle* (called in *English* Coale-Engroſſers) and grants a Leaſe to Sir *Tho. Tempeſt* Knight, with others for the ſelling of all Coals, exported out of the River of *Tyne*, and to receive eleven ſhillings, and four pence *per* Chaldron Cuſtome, and twelve ſhillings from all ſtrangers which ſhall be tranſported over Sea, and to have two pence *per* Chaldron towards their charge, and power, to ſeize of all Coals ſold by the Owners of ſuch Coals ſold; In which Leaſe, it is ordered, That if Maſters of Ships have not their due meaſure at one and twenty bouls to the Chaldron, then upon information given, the one half of ſuch Coals and Keels to be forfeited to ſuch Maſter, and the meaſures to be looked after by ſworn Commiſſioners, and that this Leaſe (Monopoly) to continue for one and twenty years from *January* then laſt paſt, and that nothing be done or acted by pretence or colour of this Leaſe to the prejudice of the King. See Chap. 11. (P) 8. (A) See Stat. 21. King *James* 3. See Chap. 46. (B.)

It is conceived this Leaſe is void both by Law, &c.

If any ſuch prejudice the people, the King is alſo prejudiced here, the people cannot ſell their own Coals, &c. which is a prejudice. See his Oath Chap. 59. (A.)

CHAP. XXII.

(A) KIng *Charles* in *June* following in the fourteenth year of his Reign, incorporates another Company of Coal buyers, namely Mr. *Tho. Hatch*, and other Maſters of ſhips, to buy all Coals exported out of the Ports of *Sunderland*, the River of *Tyne*, *Newcaſtle*, *Blith*, and *Barwick*, paying to the King one ſhilling *per* Chaldron Cuſtome, and to ſell them again to the City of *London*, not exceeding ſeven-

teen ſhillings the Chaldron in the Summer, and nineteen ſhillings the Chaldron all the Winter, provided they had a free Market, and a juſt meaſure at *Newcaſtle*, &c. which they were debarred of by reaſon of the foregoing Leaſe granted to Sir *Thomas Tempeſt*. See Chap. 11. (P)

CHAP. XXIII.

(A) KIng *Charles* in *July* following, grants another Patent to Mr. *Sands* with others, for the farming of the Cuſtomes of one ſhilling aforeſaid upon every Chaldron, at the yearly rent of ten thouſand pounds, by this you may ſee no ſmall quantity Iſſues out, &c. See chap. 11. (b)

But there are ſome other Gentlemen which hath this benefitial Leaſe at preſent, namely Sir *John Trevor*, with others, who payes (as I hear) one thouſand four hundred pound *per annum*, (having ſome yeers yet to come in the Pattent) I wiſh the poor had it after them at the rent of five thouſand pounds *per annum*. And it is the judgement of wiſe men, that thoſe Gentlemen are wanting of many hundreds of pounds *per annum*, which might be made as well as the former, &c.

CHAP. XXIV.

Die Jovis *Octob.* 8. 1646.

By the Committee of Lords and Commons for the Admiralty, and Cinque Ports &c.

WHereas the Committee hath been petitioned by *Barbery Hilton* Widow, on the behalf of her ſelf, and divers Maſters of Ships, trading to *Newcaſtle*, whoſe names

are here ſubſcribed to the ſaid Petition, that the Petitioners may receive the benefit of loading and unloading, at the Ballaſt-wharf, erected at *Shields*, about ſeven miles from *Newcaſtle*, as tending to the good and preſervation of ſhipping, &c. For that by reaſon, the River is wrecked up with ſands, and ſunk ſhips, that ſhips of great burdens cannot paſſe up without hazard and danger of loſing, which liberty as by their Petition is ſet forth, they enjoyed for ſixteen yeers paſt untill of late the Mayor and Commonalty of *Newcaſtle* have enforced them to come up to their own ſhoars.

Now for as much as this matter, as it is repreſented unto the Committee, may tend much to the ſecurity of ſhips, the advancement of Navigation, and encouragement of Trade, (E)

It is Ordered therefore, that the Petitioners ſhall be at liberty to load and unload at the *Shields* as is deſired, and directed, untill other Order in that behalf be given.

And if the Magiſtrates of *Newcaſtle*, and ſuch others as is therein concerned, ſhall hereafter deſire to offer reaſons to the contrary, this Committee will be ready to hear them, and to do therein, what ſhall ſtand with Juſtice. See chap. 19. (G, H, I)

Warwick, Eſq. *Bence*,
Alex. Bence, *Ed. Prideaux*,
Salsbury, *Giles Green*.
Jo. Rolle,

It is conceived this Order voids King James *Orders for preſervation of the River in the Two and twenty Articles, and confirms King* Charles, *&c.* See Chap. 19.

CHAP.

CHAP. XXV.

At the Council for Trade at White-hall, Septem. 26. 1651.

(A) IN pursuance of a reference of the Council of State of the 8. of *Feb.*1650. to take into consideration the Petition of some Captains and Masters of ships, with others trading to Newcastle, with a paper of their grievances annexed to the same, setting forth.&c. See 12. Chap.the 19. and 24. Ch.

(B) That in case of any disaster to ships after extremity of weather, or otherwise, though in great distresse. See Chap. 29.(C) 30. (A,D,S)33.(A)

(C) Are debarred to take the assistance and help of any other neighbouring Ship-wrights, and Carpenters of their own hired servants, who they have entertained in their ships for their Ship-Carpenters. See Chap.36.(A)38.(C.)

(D) But are constrained either to carry their ships to *Newcastle*, or to remain there in perril, till one be sent for, or procured from *Newcastle*, who will not come upon reasonable tearms. See Chap.30.(B) 38.(A,B.)

(E) complaining also that the Town will not suffer them according to ancient Liberties and Customes, to heave, and cast out Ballast at convenient and sufficient shoars where they may do it without endangering their ships. See chap.29. (C)30.(A) 32. (D) 35. (B) 41. (A)43. (D) 44 (A.)

(F) Nor to load, nor unload, where they may with safety perfom it. Notwithstanding some orders heretofore to that end obtained from the late King, and from the Parliament, but are most injuriously forced to carry up their ships to *Newcastle* through most dangerous parts of the River by reason of Sands, Shelves, and divers * sunk ships in the way, with other particulars to the like purpose.

(H) The Council having taken the said papers into consideration, and it appearing that the said Town of *Newcastle*

caſtle, however, they juſtifie not the hindring of any Maſter to make uſe of his own hired Ship-Carpenter, coming along with him in the ſaid ſhip, do notwithſtanding juſtifie the hindring of any other Ship-Carpenter to work or aſſiſt him, if not a Free-man of their Town, and do claim the ſole imployment of their own free Ship-wrights within the whole Port of the ſaid Town. See ch. 12. (I) 29. (C) 31. (A) 34. (C) 32. (C.B) 35. (A.B) 38. (A) 49. (A) 50. (C).

(I) As alſo do juſtifie the ſole erection, keeping and heaving of all the ballaſt-Shoars within the ſaid Port, (K) And the hindring any perſon to load or unload at any place of the ſaid Port, ſave at the ſaid Town, or as near it as conveniently may be.

(L) This Council having further received the Depoſitions and Examinations of ſeveral Marriners and Maſters of ſhips belonging to the Town of *Newcaſtle*, and others alſo of the Town of *Ipſwich*; and having alſo adviſed with ſome Maſters of ſhips, antient and experienced Traders ſent and choſen by the Trinity-Houſe of *London*, with ſome others, do after full debate had, and hearing at divers meetings the reaſons on both ſides alleadged, offer, See ch. 33. (A) 38. (A.B) 56. (A)

(M) That the ſaid practice of the ſaid Town of *Newcaſtle*, in debarring Maſters of ſhips to make uſe, within the River of *Tyne* of what Ship-Carpenters they pleaſe, or find fitteſt for their own conveniency, and in conſtraining them to uſe onely the free Ship-wrights of the ſaid Town of *Newcaſtle*, is very prejudicial to Trade and Navigation, See ch. 33. (A) 38. (A.B.C)

(N) That it hath appeared to this Council, notwithſtanding any thing to the contrary alleadged, &c. that through the Winds, Rains, and other caſualties waſhing down the Ballaſt of thoſe that are called the Town of *Newcaſtles* Shoars, having been a great newſance and prejudice to the River, and in the higher parts thereof. See ch. 34. (C) 35 (A.B)

(O) And that the practice of the ſaid Town of *Newcaſtle* in

in constraining the said Masters of ships to come up the River and to heave out their *Ballast* at the Town shoars only, (P) and hindering them to load Coals and discharge their Ballast where they may with safety perform it, as well to the Road-stead it self, as to their shipping; is a damage and inconveniency to Trade and Navigation. See ch. 34 (C) 44. (A) 41. (A) 44. (E) 32. (D) 43. (D) 29. (C) 31. (A)

(Q) To hinder any ships to buy or take in at any place of the said Port, Bread and Beer, for their own spending and victualling, is also a very great hinderance to Trade and Navigation. See chap. 48. (A) 49. (C.D.G.) 50. (A) 51. (B) 44. (E) 29. (A)

(R) That notwithstanding for the better regulating such further Liberties as shall be granted, in the granting of the said Provisions, building of Ballast-Shoars, defraying the charge, and for the preservation of the River for the future, be intrusted into faithful, able mens hands to see the same put in execution, as to the wisdom of the Parliament shall be thought fit, &c.

John Johnson, Clerk. *pro tempore.*

CHAP. XXVI.

A Judgement at the Common-Law obtained against Newcastle, &c.

(A) THomas *Cliff* a Ship-Carpenter, who hath been very instrumental in saving many ships from sinking, and at easie rates, for his working upon a ship in the same River of *Tyne* in the year 1646. had got a ship off the Rocks with the help of his Servants, and other Work-men, for which the Mayor and Burgesses of *Newcastle* sent down Sergeants with other Burgesses to the Town of *North-Shields*, which is in the County of *Northumberland*, to bring the said

Cliff and Servants to their Priſon, in which ſervice the ſaid Sergeants killed his Wife, brake his Daughters Arm, and led his Servants to Priſon *, as you may read, Chap 36. And then ſued the ſaid *Cliff* by an Engliſh Bill in the Exchequer, and held him in ſuit five years and upwards, the Suit being commenced in the name of the Mayor and Burgeſſes of *Newcaſtle* Complainants, againſt *Tho. Cliff* Defendant, the Merchants and Burgeſſes of that Corporation came in as witneſſes in their own Cauſe, as you may find upon Record in the Exchequer, where they were examined, in the year 1649. *Jan.* 27. by vertue of a Commiſſion, &c. alſo they were croſs examined, &c. which ſaid Suit was transferred to the Common Law, and to be tryed at *York* Aſſizes in *Hilary* 1651. the Verdict went for the Defendant *Cliff*, which ſaid Judgement expreſſes that the Mayor and Burgeſſes ought to be ſeverely fined, &c. for their unjuſt claim in that Port of the River of *Tyne*, and ſhall pay 30 l. coſts, &c. which ſaid Bill is in the Office of Pleas in *Lincolns-Inn*, &c. See chap. 19.(€) 24.(A) 25.(A) 54.28.

CHAP. XXVII.

To the Supream Authority, The Parlament of the Commonwealth of England.

The humble Petition of Ralph Gardner *of* Northumberland, *Gent. in behalf of himſelf and many others, whoſe deſires are thereunto annexed. &c.*

Sheweth,

(A) THat many great Complaints of grievances and oppreſſions preſented to the Council of State, in the year 1650. in writings by many Captains and Maſters of Ships, with others, againſt the Magiſtrates of *Newcaſtle* upon *Tyne* in relation to Trade and Navigation.

The Council of State, by Order transferred the ſame to

to be examined by the Council for Trade, and after a long Debate at several times, divers Witnesses were sworn, and Counsel had on both sides.

The Council for Trade drew up a Report thereupon, to present to the Parlament, conducing much to the good of Trade and Navigation, which said Report hath lyen dorment ever since, to the great detriment of the Commonwealth in the excessive prizes of Coales and otherwise.

Your Petitioner humbly prays, That those Reports and Papers may be called for, and reviewed, and these annexed desires inserted, to do therein as to Your Wisedoms and Justice shall seem meet.

And as in duty bound shall pray, &c.

Henry Ogle, 29 Sept. 1653. *Ralph Gardner.*

Gardners *Desires to the Parliament.*

(B) THat *North-Shields* be made a Market Town, it being seven miles from *Newcastle*, and twelve miles from any Market in the same County, which would relieve the Garrison of *Tinmouth* Castle, the Inhabitants which be thousands, the great confluence of people resorting thither, the great Fleets of ships daily riding there would further them to make many more Voyages in the year, save Boats and mens lives, which are often in danger of being cast away in stormy weather *, also by which means the people would be releived with provisions during the time the River is frozen, and half in half cheaper than from the second hand, besides the loss of a daies labour, and great charge to the poor in going by water in boat-hire, and save the life of many a man and beast from falling into Coalpits, which lies open after the Coals wrought out, being covered with snow, &c. See chap. 29. (A) 48. (A) 49. (B) 50. (A) 51. (A)

(C) That the Mayor and Burgesses may no more imprison poor Artificers onely for working upon their Trades in or about the River, See chap. 36. (A) 38. (A. C)

(D) That they may not cast men into prison for saving of ships from sinking, nor keep men in prison till they give them Bond never to work upon their Trade again. See ch.33.(A) 36.(A) 38.(A)

(E) That they may not force all goods brought in by Sea for the Salt and Coal-Works use, at and near the *Shields*, to be carryed up to *Newcastle* where there is no use for the same. See ch.50.

(F) That the Coal Owners of *Northumberland* and County of *Durham* may have free liberty to sell their own Coals to ships, and not to be inslaved by the free Hoast-men of the Town of *Newcastle*.

(G) That any person may have liberty to build ships and vessels in the River of *Tyne*, without the molestation of the Magistrates of the Town of *Newcastle*, for the increase of Trade and Navigation.

(H) That no Masters of ships may be imprisoned for refusing to swear against themselves, according to the practice of the Star-Chamber, it being a great discouragement to Trade, and disquieting of the spirits of many consciencious persons, &c. See chap. 39.(A) 49.

(I) That all unreasonable and arbitrary fines may be mittigated as shall be agreeable to Justice and Equity. See ch. 41. 42.(A)

(K) That no more ships may be compelled up the dangerous River seven miles, whereas they need to go but one mile: never any Coals being to be had at *Newcastle*, which would save many ships from sinking, and cause them to make upwards of three Voyages in the year more than they do, which would cause two or three hundred thousand Chaldron of Coals more to be sould, and the excessive prices to fall under twenty shillings the Chalder all the year, See ch.29.(C) 32.(C) 31.(A)

(L) That the trust of the River of *Tyne* be put into faithfull Commissioners hands, the Mayor, and Aldermen, and Commissioners of *Newcastle* having betrayed the trust reposed in them for conservancy thereof, that whereas within

within this twenty years above twenty ships of the burden two hundred Tuns rid a float in most Roadsteads in the said River, now not above four of the same burden at low water. See chap. 12. (1) 34, (C.) 35. (A, B)

(M) That their Charters granted to their Corporation may be called in, and viewed, and other Grants and Orders granted by King *James*, and what is found offensive to the Commonwealth may be repealed, as it now stands, proves destructive to the peoples right. *Septem.* 29. 1653.

All which are presented to your Honours to do therein as God shall direct you for the good of his people.

Ralph Gardner.

Tuesday October 5. 1653.

(N) THe Petition of *Ralph Gardener* of *Northumberland* Gentleman, in the behalf of himself, and many others, whose humble desires are thereunto annexed, being this day read, the Committee conceives it proper for the Committee for Trade, and therefore do recommend the same to their consideration.

Anthony Rous.

At the Committee for Trade and Corporations, sitting at Whitehall, *Octob.* 18. 1653.

(O) WHereas a Petition hath been exhibited to this Committee by the said *Ralph Gardner* of *Northumberland* Gentleman, in the behalf of himself, and many others, complaining of several grievances, they sustain by the Corporation of the Town of *Newcastle*; It is ordered, that the said Petition, and complaint be taken into consideration by this Committee on Tuesday the 15. of *November* next, whereof the Mayor and Corporation of *Newcastle* aforesaid, are to have convenient notice.

Samuel Warner.

(P) The Mayor and Burgeſſes of *Newcaſtle* Petitioned the Committee beſeeching their honours for a copy of the Petition and paper exhibited, and to grant them fourteen dayes time longer, to make their defence, which their Honors granted, but ordered their Agents to attend the 15 day of *Novem.* to hear the Witneſſes on the Commonwealths behalf, examined, and to receive what further ſhould be brought in by way of charge againſt the Corporation, by reaſon a great trial was had before their Honours, with the late Farmers of the Cuſtomes, which took up all that day, the eighteenth day was appointed for *Newcaſtles* buſineſſe, on which day moſt of the Witneſſes were examined upon this following charge, and proved it in preſence of the Corporations Agent, and when they were all diſmiſt and gone, the Agent deſired further time, and the Witneſſes to be croſſe examined, to which the honourable Committee replied, that further time they would not give in a matter of ſo high concernment, and it was too late to croſſe examine the witneſſes, he not deſiring it when they were there, and he preſent, but granted him a copy of the charge.

CHAP. XXVIII.

The Heads of the Charge exhibited by Ralph Gardner *of* Northumberland *Gent. to the Committee for Trade and Corporations, againſt the Mayor and Burgeſſes of* Newcaſtle, 1653.

(A) THat the Mayor and Burgeſſes of *Newcaſtle* upon *Tyne*, have, and do impriſon Artificers, only for their working upon their lawfull Trades. (See Stat. 1, 1301.)

(B) That they do force Maſters of Ships to cut purſes, in their open Court for gain to themſelves, and impriſons them if they refuſe. See Stat. 8. *Eliz.* 4.

(C) That they force all Maſters of ſhips to ſwear againſt them-

themſelves, and notwithſtanding they have ſwore the truth, others are called in to ſwear againſt them, which is for a Fines ſake, which profit accrues to the Mayor, *Burgeſſes* and witneſſe for their own uſe.

(D) That they do impoſe Arbitrary Fines ſo exceſſively, that without payment is committed to priſon, which ſaid Maſters are there detained till the ſaid Fine bee paid.

(E) That they have robbed people in their open Markets and in paſſing through the Town, of their goods, alledging foreign bought, and foreign ſold, all people not being free of that Town are reputed foreigners.

(F) That they have impriſoned men for ſaving ſhips fom ſinking, and detains them till compound, whoſe poor wives, and children are ready to ſtarve, alſo keeps them in priſon till they enter into bond never to work upon their Trades again.

(G) That they of that Corporation have taken an Oath amongſt themſelves not to work with, nor imploy any un-freemen, but to ſuppreſſe all ſuch from working in that Corporation, or the whole River of *Tyne*.

(H) That they do impriſon poor Maſters of ſhips for letting their ſhips from ſinking, and denies bayl.

(I) That they ſeize of all ſuch goods as any poor Maſter doth ſave when their ſhips are ſinking, which is all the poor Maſter hath left in the world to relieve his wife and family, and poor Sea-men.

(K) That when any ſhip is ſinking, though ſeven miles from *Newcaſtle*, none muſt help to ſave her, but *Newcaſtle*-men muſt be ſent for, who comes at leaſure, beſides having his demands which is exceſſive.

(L) That they ingroſſe all Merchandize, and other dead victual, and proviſion which comes in by Sea, and then forces the Countries to give them their own rates for what they want.

(M) They will not ſuffer any Proviſions to be bought at *Shields*, or any Market to be there, notwithſtanding people

people are often drowned in going and returning from *Newcaſtle* Markets, and alſo many are ready to ſtarve in the Winter ſeaſon by reaſon the River is then frozen up, and ſo become Innavigable.

(N) That they by Ingroſſing all Corn into their hands have kept it to ſo exceſſive Rates, that the poor could not buy it, but have been conſtrained to eat beaſts-blood, baked inſtead of bread.

(O) That by ſuch hoarding up the corn, and the people not able to buy the ſame being ſo dear, many country people were neceſſitated to eat Dogs and Cats, and to kill their poor little Coal-horſes for food.

(P) They have hoarded up ſo much corn, and keeping it for ſuch exceſſive gain, that in the very time of ſcarcity and miſery amongſt the people many have been found ſtarved to death in holes, hundred bouls of corn were caſt into the River, being ſpoyld with the Rats, and rot, the very Swine could not eat it.

(Q) That they will not ſuffer any of the Coal Owners in any of the two Counties to ſell their own Coals; but the owners muſt either ſel their Coals to the free Hoaſt-men, at what price they pleaſe, and then all ſhips muſt give them their own price, or get none, which makes Coals ſo dear.

(R) That no ſhip ſhall be loaden with Coals, &c. that will not do what the Mayor and Burgeſſes commands them, by going up the River ſeven miles with ballaſt to their great loſſe of time, and hurt of their ſhips.

(S) That ſhips have been often ten or fourteen daies in ſailing up and down the River onely to diſcharge their Ballaſt, they for the moſt part taking in their loading at *Sheilds*. See chap. 32. (C)

(T) That other ſhips which have taken in their loading at *Sheilds*, with Coals and Salt have made their Voyage to *London* and back, before ſuch ſhips which were ſo compelled to *Newcaſtle*, could get ready, and ordinarily is the cauſe of their loſs of three Voyages in the year, by ſuch compulſions. See chap. 32. (D)

(V)

(U) That they force all ſhips with materials brought in by Sea for the abſolute uſe of the Salt-Works and Coal-works, at and near *Shields*, to be carryed to *Newcaſtle*, and laid out upon their Key, though they have no uſe for the ſame, and the cuſtoms being already paid, and Officers at *Shields* attending; often the boats that fetches them ſinks in returning to *Shields*. See chap. 50. (C)

(W) That ſhips have often ſunk in returning empty from *Newcaſtle* to *Shields*, there being nothing to be had at *Newcaſtle*, and ſuch ſhips are onely to take in Salt or Coals at *Shields*: No Salt to be got elſewhere, but at *Shields* in that River, and thereabouts. See chap. 29, 30, 32.

(X) That they will not tollerate any Seaman, though never ſo able a Pilot to guide a ſtrangers ſhip into the River, over *Tinmouth*-Bar, though he be in never ſo great diſtreſs, but a Free-man muſt be ſent for from *Newcaſtle*, there being but two at *Shields*, by means whereof the ſhip is often ready to be loſt before any can get ſeven miles up, and ſeven miles back again. See ch. 32. (A)

(Y) That they force all ſhips, though never ſo long, great, or weak, to ſail up the River, to caſt out their Ballaſt upon their Shoars, for the gain of Eight pence for every Tun a ſhip carries, which is an Arbitrary Impoſition; ſee chap. 32. (B.C) it formerly being but Four pence. And one ſhip with another carrys an 100 tun every voyage, &c. See ch. 29. (C)

(A B) That they force Maſters of ſhips to pay for Eighty tun, when indeed they have but Forty tun, and ſo oppreſs the poor Maſters, whereby the price of Coals muſt needs be enhanſt: See cha. 44. (A)

(A F) That they have ſpoiled the River with their Ballaſt Shoars, by ſhips ſinking in ſailing up the River, and returning back, Their ballaſt-Shoars being ſo full, and heavy, and hilly, that every ſhowre of Rain, and ſtorm of Wind doth blow and waſh down the ballaſt into the River, beſides the weight in preſſing down the wallse, the great prejudice of the Commonwealth; by the obſtruction of the River, and endangering of ſhipping. See chap. 34. (A) 35. (A. B)

(A. G) That by the negligence of the Commiſſioners for

the River, above Three thouſand Tuns of ballaſt have fallen into the River in one Nights time. See ch. 34 (C). None taken up, &c.

(A.H) That within this Twenty years, where Twenty Ships of a certain burden could have rid afloat in moſt Road-ſteads in the River at a low water mark, now not above Four ſhips can ride afloat, &c. See chap. 35. (B)

(A.I) That ſhips have made Twelve Voyages in the year, within this 20 years, when they had liberty to caſt their ballaſt at *Shields*, and now they make but Four or Five Voyages only, being obſtructed by the Mayor & Burgeſſes of *Newcaſtle*, in compelling the ſhips up the River, ſeven miles, to caſt out their ballaſt upon their own Shoars, &c. See chap. 32 (D)

(A.K.) That they will not ſuffer any Ballaſt-ſhoars to be built at or near the *Sheilds*, by reaſon the owners of the ground wil not ſel it to them, notwithſtanding there are convenient places for Shoars for above this hundred years to come, without any prejudice to the River, and to the great advantage of the Commonwealth, See chap. 29. (C)

(A.L.) That they do hinder the ſtock of the publick Revenue above Forty thouſand pounds *per an.* in Cuſtoms, *declare.* See Chap. 45. (B.E.F.) 32. (D)

(A.M) That they do hinder a trade all the Winter ſeaſon, by reaſon neither ſhips nor boats can paſs up the River, which is often frozen below the ballaſt-Shoars, called the *Bill-point*, and half down the River, it never freezeth lower. See ch. 35. (B)

(A.N) That the Mayor and Burgeſſes of *Newcaſtle* have combined and made new Ordinances amongſt themſelves, that what free Hoaſt-men or ſiller of Coals, ſhall ſell any Coals to ſuch Ship-Maſters as ſhall caſt any ballaſt at *Shields*, and not upon their own ballaſt Shoars, ſhall forfic and pay 20 l. a time, or lie in priſon till the ſame be paid. See ch, 43. (D) 30. (D)

(A.O) That all ſuch Coals as ſhall be ſold, and not being free of that Corporation ſhall be confiſcated for the Corporations uſe. See 21. Chap. (A)

(Some ſay if what is here alledged be nothing but the truth

it

it were pity, but they ſhould receive judgement according to their reſpective offences, but if it appear otherwiſe, it were pity, but the evidence upon oath, with my ſelf, ſhould receive the ſame judgement.)

(A.P) That the Mayor and Burgeſſes by having betrayed the truſt repoſed in them by King *James*, in the two and twenty Articles for the preſervation of the River of *Tyne*, have forfeited all that Corporations liberties into the States hand, by the exorbitant abuſes committed, and neglect in not putting them in execution. See chap. 13. (A) 34. (C)

(A.Q) All which ſaid charge was proved upon Oath before the Council at *White-hall*, 1650. And the Committee for Trade and Corporations at *White-hall* in *November* 1653. And Order was given that Mr. *Thomas Skinner* be deſired to draw up an Act for a free Trade in that Port and River of *Tyne*, to preſent to the Parliament. See Cha. 54. (which Act was intended.) Whether it be conſonant to Religion or reaſon, that theſe things ſo perpetrated aforeſaid, againſt the good of a Commonwealth ſhould be neglected, and in not being timely regulated, I refer to better judgements.

Ralph Gardner.

(A.R.) Mr. *Mark Shafto*, Mr. *Ralph Jenniſon*, Mr. *Robert Elliſon*, Mr. *Tho. Bonner*, the Recorder and Aldermen of *Newcaſtle*, with Mr. *John Ruſhworth*, one *Maddiſon*, and one *Michael Bonner*, with many more of the Burgeſſes, appeared at *White-hall* on the 29. of *November*, being the day appointed for the Town to plead to the charge, they having had the copy of the charge, where the full Committee was met, and many Parliament-men more, where the Petition, the charge, & the deſires were read, to the foregoing Gentlemen.

(A.S) The Corporation, Agents and Aldermen humbly begged ten weeks longer time, by reaſon they were not ready, nor prepared to anſwer the charge, for it ſtruck at all that was neer and dear unto them *. And hoped the Town would not be ſurpriſed, and that they did conceive Mr. *Gardner* had ſent down that order to affront the Town, by reaſon it was dropt at the Mayors door by a boy; And that there was a Paper printed by Mr. *Gardner* which was as full of lyes, as words, which did conclude them, and diſ-

* Oppreſſion.

hearten their Witnesses, also that the Scots having tumbled their Records, could not draw up an answer in so short a time.

(A.T.) In answer to the Town, it was humbly moved, their Honours would give no longer time, by reason it was the day set, and agreed upon, that they of the Corporation should plead, and that it was no new matter insisted upon, but what was debated at that Board two years before, the Records and Judgement given against *Newcastle* being in their Honors custody, and that they were as wel able to plead then, as at any other time, and if there were any new matter it should be withdrawn, and was willing to joyn issue upon the former Judgement granted two years before, at the same Board.

The Towns Agents altogether refused that, and hoped their Honours would not insist upon the former Judgement, but to give them longer time, they not being ready to plead to the said charge, nor came prepared upon the earnest solicitation of the Towns Agents: The Committee told them, that if they would deal clearly and candidly with them, as to give in writing under their hands such an Answer to the charge as they would stand and fall by, then they would give them their own time, if not, then they would record that fair motion, and that they must plead by reason they appeared, and entred upon a plea, and their work was very short, for all that they had to do, was to plead Guilty, or not Guilty; if guilty, then to make it good by what Law they did such things as was laid to their charge, (and if not guilty, then it was left to Mr. *Gardner* to p.o/e his Charge, (who indeed had proved all sufficiently) and therefore would give no more day, what ever, then the 13 of *December*, and Mr. *Gardner* left free to bring in what more he had to charge them with; Upon the 12 day of *December*, the Parliament was dismissed.

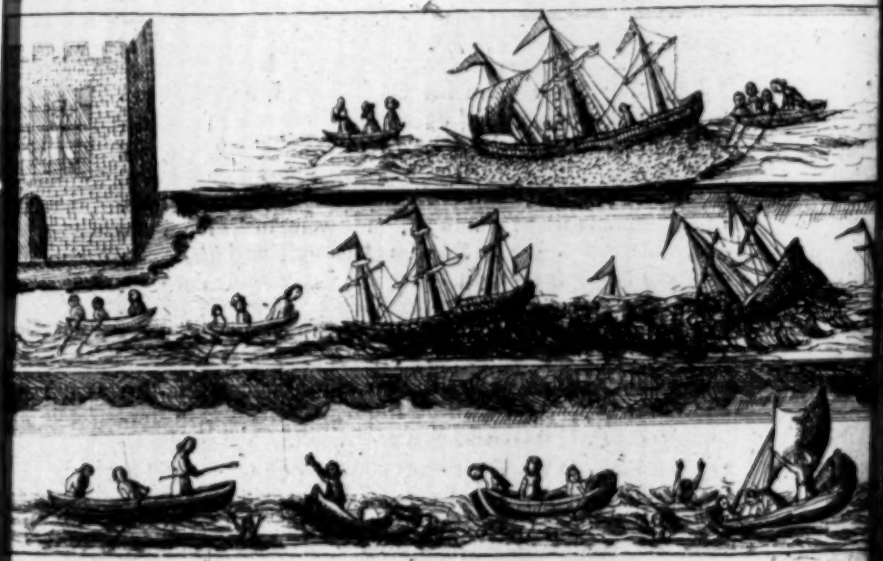
But the Honourable Committee met in *White-hall*, and drew up another report, and signed the same against the Corporation of *Newcastle*, and would have presented the same to his Highnesse the Lord Protector.

But I conceived to give a Narrative was better, though it be large, yet such things as are pertinent, might be sooner collected

lected being put together, and more satisfactory to all hands, then lying in several Courts distractedly, not doubting, but thereby to reap the fruits according to my labour, I not in the least dispairing, and am satisfied with the change, desiring God to go along with him in all his Highnesse undertakes.

CHAP. XXIX.

Depositions.



Ships upon Sands; Others sinking, others sunk; Boats, and Provisions cast away, and people drowned, &c. and others cast into Prison for saving ships from sinking. All done at Newcastle, *by Order of those Magistrates, all Wreck being given them by Charter.*

ANdronicus * the Tyrant, and also an Heathen King, being overcome with a reluctancy of heart, seeing the

* Mr. Fuller.
* Andronicus or the unfortunate Politition.

miserable condition poor Merchants and Sea-men were in after Ship-wrack, (and should receive so bad a reward from people, whom they came to for help or shelter) by having their goods seized on, their throats cut, and no relief afforded by those that got all the Sea had cast up for succour, they never taking any pains for the same; made a law, whosoever took a bit of wreck for their own use should be put to death, but that all should be preserved for a time, or the worth, for the right Owner, and if not looked after by the Owner, then for such, as were sufferers by shipwrack for the future, and the people paid for their pains in saving of it. For which Law they were cannonized.

Let not Tyrants and Heathens out-strip us in Mercy and Justice. This Law we want.

(A) *Mary Hume* upon her Oath said, That all Ships and Boats, are compelled by the Mayor and Burgesses of *Newcastle*, to sail up the River to their Ballast-shoars and Town, with all manner of victuals which are brought into that River, and will not suffer any Market to be at *Shields* which is seven miles from them, and twelve miles from any other Market Town in the same County, and that they compel all people to their Markets. * By which means, she hath known many ‖ Ships and Boats cast away, in the said River by stormy weather. (Read Stat. 27. *Edw.* I.*) See Chap. 49. (B) *) Chap. 10. (S) ‖ 31. (A)

(B) She the said *Mary* further affirms, that she hath known many people drowned, and Boats cast away in stormy weather in that River, and provisions. And that in or about the year 1650. one *William Rea* of *Shields* was drowned in coming from *Newcastle* Market. Also a young Gentleman, son to Mr. *Snape* Minister in *Northumberland*, was drowned in that River, both which, were found and buried at *Shields*, but no Coroner * viewed their dead bodies, which she hath heard should have been done by *Newcastles* Coroner, being tyed to it by Charter. See chap. 10. (O, P) Also *William Grays* mother in Law, of *North-shields*, in going to Market was cast away, &c. *Mary Hume.*

(C) *John Mallen* Master of a Ship, upon his oath said, That the Mayor and Burgesses of *Newcastle*, do deny to load

load any ships, nor suffer any others to load them with Coals, who refuse to sail up that dangerous River seven miles to cast out Ballast upon their shoars, which compulsions causeth the losse of many ships and vessels in that River amongst Sands, Shelves, and sunk ships, it being meerly for the gain of eight pence *per* tun of Ballast. See chap. 31. (A,B) 32. (B) *

(D) That he this Deponent was in company with one Mr. *James Beats*, of *Alborough*, who was Master of a new ship, being compelled to sail up the River to cast out his ballast upon their unlawful Ballast-shoars. And in returning to *Shields* to take in her loading of Coals, in the middle of the River his ship sunk, and none durst help to save her for fear of being imprisoned, as others were for the like, nor to weigh her up again. See Chap. 30. (A)

(E) The Free-men came and required a greater summe * to weigh her up, then she was worth; so the poor Master was forced to leave her upon small termes. But soon after, they got her up, and set her to Sea for their own use, which the said Master *Beats* might have done the like, if those of *Newcastle* would have tollerated the Un-freemen to work, who were as well able to perform that service. See Chap. 30. (F) 36. (A) * Stat. 2. *Ed.* 6. 15. *

All Wreck is given to them. See Chap. 10. 8.

John Mallen,
Thomas Heistlewood.

CHAP. XXX.

(A) *Thomas Gosnel* Master, affirms, that the Mayor and Burgesses of *Newcastle*, by compelling all ships up that dangerous River of *Tyne* seven miles, is the cause of the losse of many ships; and that Mr. *Cason* lost his ship upon the Bill-point which sunk, but by weighing her up again, it cost him near two hundred and fifty pound. All which might have been saved, if ships could be tollerated to cast Ballast

laſt at *Shields*. See Chap. 25. (B) Chap. 10. (S) 32. (C. E.)

Thomas Goſnal.

(B) *Edmund Tye* of *Ipſwich*, *Senior*, upon his Oath ſaid, That being with his ſhip laden with Coals, riding at Anchor at *Shields* with the Fleet of ſhips ready to put forth to Sea, his ſhip ſunk by a ſad diſaſter to his undoing, being moſt of it his own, and in the time of ſinking, procured help to ſave what goods he could, for relief of himſelf, and Sea-men, who had ſaved to the value of one hundred and fifty pound, and ſent them on ſhoar to *Shields* in the County of *Northumberland*.* The Mayor and Burgeſſes of *Newcaſtle* (C) Sent down their Officers, and ſeized of all his goods, and ſent them to *Newcaſtle*, and carried him, this Deponent, to their Priſon, and kept him above ſix months, becauſe his ſhip ſunk. The Goods and Ship were worth about eleven hundred and fifty pound, and would detain him in Priſon till he did weigh up the ſaid ſhip, who had not wherewithall to relieve himſelf, *Exod.* 22. 21. Notwithſtanding they were certified ſo much under the Bayliffs hands and Town-Seal of *Ipſwich*, and had continued him longer, if he had not procured a *Habeas Corpus* for his removal to *London*. See Chap. 25. (B) 10. (S) Stat. 3. *Edw.* 1. 15. 34. 14. *Rich.* 2. 9. 23. *Hen.* 6. 10.

Edmund Tye.

(D) *Thomas Heiſlewood* of *London*, Maſter of a ſhip, upon his Oath ſaid, having taken in his ſhips loading of Coals in the River of *Tyne*, was putting forth to Sea with the Fleet, but by a ſtorm was caſt a ſhoar neer *Tinmouth-Bar*, and in great danger of their lives which were on board of the the ſaid ſhip, and was conſtrained to caſt his Coals into the Sea, and thereby got his ſhip to *Shields*, where ſhe lay like a Wreck, the water having free paſſage in and out.

(E) He this Deponent got on ſhoar, and repaired to one *Collier* a free Carpenter of *Newcaſtle*, deſiring him to mend his ſhip, and for haſtes ſake, he would procure thirty or forty of his Neighbors, Maſters of Ships Carpenters to help him, but the ſaid Free Carpenter replied, that he had taken an * Oath in *Newcaſtle* with their Company, neither

neither to work with any Unfree Carpenter, nor to ſet any on work, by which means, he this Deponent was conſtrained to patch up his ſhip with his ſingle Carpenter, and adventure to *London* to get her upon the ſtock, where he, and his company were in great hazard of their lives, and loſſe of the ſhip. See Chap. 10. (S) See Stat. 19. *Hen.* 7. 7. (2 *Edw.* 6. 15.*) *Tho. Heiſtwood.*

(F) *Henry Harriſon* Maſter, upon his Oath ſaid, that his ſhip was laden with Corn, coming in at *Tinmouth-Bar*, loſt her Rudder or Steerer of his Ship; He this Deponent deſired another of a Free-man of *Newcaſtle*, who would not furniſh him under forty ſhillings,* but this Deponent got a good one of an Un-freeman, one *Thomas Cliffe* of *Shields* Carpenter. See Chap. 29. E. 36. (A) *Henry Harriſon.*

If all Maſters ſhould be thus tyed to buy all things of them, judge of the conſequence.

CHAP. XXXI.

(A) *Michael Bonner* of *Newcaſtle*, Merchant, and Water-Sergeant in *Janu.* 1649. being examined upon Oath * at *Gates-head* by vertue of a Commiſſion in a cauſe depending in the Exchequer between the Mayor and Burgeſſes Complanants, and *Thomas Cliffe* Defendant, ſaid, That a ſhip called the Adventure of *Ipſwich* which was ſunk in the year 1646. (Mr. *Thomas Caſon* being Maſter) one other ſhip called the Providence of *London* (*Humphrey Harriſon* of *London* being Maſter,) which ſunck in the year 1649. One other ſhip called the Refuge of *Ipſwich*, ſunck in *October* 1649. (Mr. *Edmund Tye* being Maſter.) Another ſhip called the *Henrietta Maria*, ſunck in the year 1644. All which ſhips were weighed out of the River of *Tyne*, at the ſole charge of the Mayor and Burgeſſes of *Newcaſtle* *Michael Bonner.*

Some calls this Depoſition Perjury, * but I refer it to the judgement of the Reader that reads the following Depoſition, which proves that moſt of the aboveſaid ſhips

lye ſunck, and did three yeers after the Depoſition. See Stat. 5. *Eliz.* 9.*

(B) Cap. *George Phillips* of *London*, upon his Oath ſaid, That there lyes ſeveral ſhips ſunck in the River of *Tyne* between *Sparbank* and *Heborn Steath*, namely the Adventure* of *London*; *Humphrey Harriſon* of *Sunderland* late maſter, ſunck in, or about the year 1649. One other ſhip called the Refuge of *Ipſwich* ſunck in *October* 1649. at *Shields*, (*Edmund Tye* the late maſter.) One other ſhip called the *Henrietta Maria* ſunck in the River, in, or about 1644. And one other in the South Road, late belonging to Mr. *Bulman*. And alſo one other ſhip belonging to a *Scotch*-man, lyes ſunck neer unto the low Lights. And that the chiefe cauſe of ſhips ſinking in that River is, by being compelled by the Mayor and Burgeſſes of *Newcaſtle* to ſail up that dangerous River to caſt Ballaſt upon their unlawful Ballaſt ſhoars, for the gain of eight pence for every Tun ſo caſt out. *George Phillips*, and *Tho. Heſtlwood* proves the like.

CHAP. XXXII.

(A) *Gawen Pots* affirms, That no ſtrangers ſhip whatſoever, though ſhe be in never ſuch great diſtreſſe and ſinking, muſt be pylotted into the River by any other Sea-man, then a Freeman of *Newcaſtle*: In the intrim one is ſent for (being ſixteen miles forward and backward) often, either ſhe is loſt, or driven by ſtorm away.

Many others proved the like.

(B) *Jeremiah Law*, Maſter of a ſhip, upon his Oath, 1650. ſaid, That the Mayor and Burgeſſes of *Newcaſtle*, compelling all ſhips up the River to their Ballaſt-ſhoars amongſt the dangerous Sands, Shelves, and ſunck ſhips, is the cauſe of much harm and loſſe of many ſhips, and loſſe of many Voyages in the year; beſides loſſe to the State, and ſpoyl of the River, it onely being done for the lucre of eight pence for every Tun of Ballaſt to ſome private perſons, which brings

brings them in many thouſands of pounds in the year, and that there are many ſunck ſhips in the River, between *Sparbawk* and *Hebourn Steath*. See Chap. 29. (C)

Jeremiah Low, Mr. *Phillips*, Mr. *Heſilwood*, Prove the like.

(C) *John Mallen* Maſter of a ſhip, upon his Oath ſaid, That by the Mayor and Burgeſſes compelling ſhips up the River to their Ballaſt-ſhoars with their Ballaſt, was the cauſe of Mr. *Tye*, and Mr. *Worſes* two ſhips running on the Sands neer *Jarrow*, where they were both in great danger of being loſt.

Mr. *Yaxleys* ſhip in a condition of ſinking, but three unfree Carpenters being ready, ſaved her, Mr. *John Willy* in the like condition.

Cap. *George Phillips* was fourteen dayes in getting up and down to *Shields*, by which means much damage is done to their ſhips, and loſſe of ſeveral Voyages, and Trade is obſtructed. Capt. *George Phillips*, Mr. *Heſilwood*, Mr. *Caſon*, Mr. *Mors*, Mr. *Yaxly*, and Mr. *Willey*, Prove the like.

(D) Mr. *Keeble*, Maſter of a ſhip, proves, that himſelf, with many other Maſters of ſhips, namely Mr. *Wright*, &c. have made twelve Voyages in the year when they caſt Ballaſt at *Shields* within theſe twenty yeers, and doubts not but by Gods bleſſing to make as many again, if the ſhips be allowed to caſt Ballaſt there, which may be done without hurt to the River, and more ſafety to ſhips, and a great revenew to the publick. Whereas now, being compelled up to *Newcaſtle* ſhoars, which hath ſpoyled the River, they cannot make above four, five, or ſix Voyages in the year at moſt, which is many thouſand pounds *per annum* loſſe to the State in Cuſtome. *Keeble.*

(E) *Henry Robinſon* upon his Oath ſaid, That being compelled by the Mayor and Burgeſſes up the River to their Ballaſt-ſhoars, his ſhip ſet upon a Sand, and broke her Keelſon, to his great damage, and loſſe of Voyage. And that Mr. *Caſon* his ſhip, ſet upon the point of the Bill, and over-

ſet, which coſt him two hundred and forty pound the recovering of her again, beſides the loſſe of Voyage.

Thomas Goſnal proves the like.

CHAP. XXXIII.

(A) THomas *Cliffe* upon his Oath ſaid, That in *April* 1646 *Arthur Lyme* Maſter of a ſhip, being in the River of *Tyne*, his ſhip in great diſtreſſe and danger of ſinking, obtained the preſent help of three ſhip Carpenters which were ready at hand to ſave his ſhip from ſinking. And becauſe they were not Free-men, the Mayor and Burgeſſes of *Newcaſtle*, ſent down ſeveral Carpenters belonging to *Newcaſtle*, to force them from work, and carried them away to Priſon, with the ſaid Maſter for ſetting them on work, no Tryall at Law was had, or other offence committed. *Tho. Cliffe.*

CHAP. XXXIV.

(A) *Bigs* upon his Oath ſaid, That all the ground * on both ſides of the River of *Tyne* to a full Seamark, is the right of the Town of *Newcaſtle*, and belongs onely to the Mayor and Burgeſſes, all the way from *Sparhawk* to *Headwin* ſtreams. And that he knoweth the ſame by reaſon he hath ſeen often the Water-Sergeant of *Newcaſtle* (by name *Charles Milford*) Arreſt men, both Maſters and others. This Depoſition was taken in behalf of *Newcaſtle* at *Gates-head* in *Jan.* 1649. in the ſuit between the Town and *Cliffe*, and remains in the Exchequer. *Bigs.*

Some calls this alſo Perjury, but it is left to the judgement of the Reader in reading the next Depoſition. See Chap. 18. (D. F.) Stat. 5. *Eliz.* 9.*

(B) *William Gibſon* of *Newcaſtle* Merchant, in *Jan.* 1649. at *Gates-head* upon his Oath ſaid, That the ground on both

ſides

ſides of the River of *Tyne*, from *Sparhawk* to *Headwin* ſtreams from a low water-mark, was not belonging to the Town, nor Mayor and Burgeſſes of *Newcaſtle*, but to the reſpective Owners in each County adjoyning on the River. And that he knew the ſame by reaſon of former Trials, and ſo adjudged. And that the Town had only the Arreſting upon the water, but not upon the land. See Chap. 20.

William Gibſon.

(C) *Thomas Horth* of *London* Merchant upon his Oath ſaid, That he had known the River of *Tyne* above five and twenty yeers. And that by reaſon of the Mayor and Burgeſſes of *Newcaſtle*, compelling all ſhips with Ballaſt, to ſail up the River ſeven miles to unload their Ballaſt, and out of Keels upon their own ſhoars, by Ballaſt and other rubbiſh falling in, hath ſpoyled three parts of the River, * whereas within this twenty yeers, twenty ſhips of the burden of two hundred Tuns a peece, could have rid a float in moſt Road-ſteads in that River. || And now not above four or five at a low water-mark, by reaſon they have ſo little ground, that it is ſo over full and hilly with the Ballaſt, that the Winds and Rains, every time doth waſh and blow great quantities off into the River; And that in one night, the ſhoar called the Bill-ballaſt Key, brake down, and at leaſt three thouſand Tun of Ballaſt, ſand, Gravel, and ſtones, fell down into the River, * and they never knew any taken up, * neither will the Mayor and Burgeſſes ſuffer the Owners of grounds adjoyning to the River to a low water mark, to build any Wharfs, Keyes, or Ballaſt-ſhoars, though more convenient then any are, and would ſerve for many years without any prejudice to the River, to unlade all Ballaſt at; neither will they the ſaid Owners, ſell their grounds to the ſaid Magiſtrates to be inſlaved, by which means the River is ſpoyled. See Stat. 34. *Hen.* 8, 9. * 30. *Ed.* 1. || See Chap. 12. (6)14.)B.)

Thomas Horth, George Philips, and *Tho. Haſilwood*, proves the like.

CHAP. XXXV.

(A) *George Philips* Captain, Maſter of a ſhip of *London* upon his Oath ſaid, That the Mayor and Burgeſſes of *Newcaſtle* is the cauſe of hindring a Trade for Coals, Salt, &c. the greateſt part of the Winter ſeaſon, to the great impoveriſhing of the two Counties, *Northumberland* and *Durham*, out of which all Coals, Salt, &c. comes (none being to be had, nor ever was in *Newcaſtle*) by reaſon the foreſaid Mayor and Burgeſſes having the pre-emption, and will not let the right Inheritors ſell their own Coals to any Ships; (B) Nor ſuffer any of the Owners to build Ballaſt-ſhoars upon their own land, except they wil ſel it them. Many of which places neer unto the *Shields*, is far more convenient then any of thoſe unlawful ſhoars belonging to themſelves, at, or neer *Newcaſtle* in the higheſt part of the River, which hath ſo much ſpoyled the ſaid River, eſpecially a place called the Pace-ſand, that it is the ſpoyl of many ſhips in ſayling up and down to caſt out *Ballaſt*, and to take in Coals. (C) That it muſt be a good neap Tyde, that there is above ten foot and a half at high water. And moſt ſhips draw twelve foot. Alſo where there hath lately been ten foot at low water in a place called the *Bill*, there is not now above eight foot, occaſioned by the Sand and *Ballaſt* falling off the Towns *Ballaſt*-ſhoars. (D) And that the River in the Winter is often frozen, below the Towns *Ballaſt*-ſhoars, at the *Bill* (but never lower) That no ſhips can get up to unlade their *Ballaſt*, and take in Coals, Salt, &c. All Salt being made at *Shields*, where the River is never frozen, but all ſhips reſtrained from caſting *Ballaſt* there, though there be more convenient places, and would ſerve all ſhips to caſt their *Ballaſt* for above fourſcore years without any hurt to the River or ſhipping. (F) And cauſe them to make more Voyages in the year.

John Mors, Walter Keeble, James Shrive, Thomas Heſilwood, Reb. Swallow, Geo. Hill, John Keeble, Henry Harriſon.

And many other Maſters of Ships, proves the like.

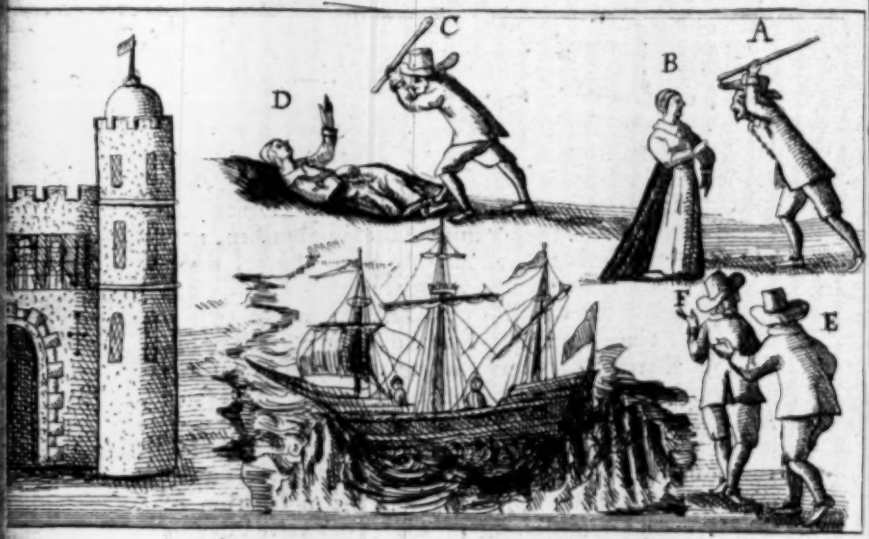
(B)

(B) *Thomas Haſilwood* of *London*, maſter of a ſhip upon his Oath ſaid, That all the *Ballaſt-ſhoars* above the *Bill-reach*, have been the ſpoyl and ruine of the River of *Tyne*, and doth beleeve that if no care be taken ſpeedily therein, there will be no Navigable River, to the utter impoveriſhing of thoſe Counties. And a great prejudice of the whole Nation, the greateſt part of Navigation in that River being ſpoyled, as appears in moſt Road-ſteads in the ſaid River of *Tyne*, what with the ballaſt falling in, and ſhips ſunck, that when as within theſe twenty years, twenty ſhips of the burden of two hundred Tuns could have rid afloat at low water. At St. *Lawrence* Road-ſtead, now not above three ſhips of the ſame burthen; At the Hands and Dents hole Road-ſteeds, where twenty ſhips of the ſame burthen, now not above eight can ride afloat. At St. *Anthonies*, where twenty of the ſame burthen, now, not above three can ride afloat. At the Bill Road-ſtead, where twenty of the ſame burthen might have rid, now not above ſix. At the North Road-ſtead, where twenty ſhips of the ſame burthen could have rid a float, now not above four. And at the South Road-ſtead where twelve ſhips of the ſame burthen could have rid a float at low water, now not above three can ride. (B) And that within theſe few years when ſhips did caſt ballaſt at *Shields* without the moleſtation of the Mayor and Burgeſſes, ſhips made ten or twelve Voyages in the yeer, whereas now, they can make but four or five Voyages. See Stat. 34. *Hen.* 8, 9. 23. *Hen.* 8. 5.

Tho. Haſilwood, Rob. Taxley, Geo. Philips, Walter Keeble and *Hen. Harriſon*, with many more Maſters of ſhips, prove the like.

CHAP.

CHAP. XXXVI.



A *John Hall.* B *Ann Wallice.* C *Thomas Rutter,* D *Ann Cliff.* E *Free Carpenter.* F *Cliffs* man.

(A) HEnry *Harriſon* Maſter of a ſhip upon his Oath ſaid, that in *April* 1646. a ſhip ſailing into *Tinmouth* Haven, by ſtorm was caſt upon the rock near *Tinmouth* Caſtle. The Maſter got a ſhoar with all expedition, and obtained the preſent help of an antient Ship-Carpenter, by name *Thomas Cliff* of *North-Sheilds* with three of his men to ſave the ſaid ſhip from periſhing, which ſhip had been quite loſt, if the ſaid Maſter ſhould have run to *Newcaſtle* to have agreed

agreed with the free Carpenters, whoſe exceſſive Rates * and demands, often ſurmounts the value of the ſhip in diſtreſs; and their tediouſneſs in coming and going that diſtance, that often the ſhips in diſtreſs are quite loſt.

(B) The ſaid *Cliff* and his men ſaved the ſhip and got her off, and brought her to the lower end of the *North Shields*, and laid her upon the Sands to mend her. Where the three Carpenters were at work. And *Ann* the wife of *Thomas Cliff*, and *Ann Wallice* his Daughter ſtanding (to ſee their Servants work) near unto the ſhip.

(C) The Mayor and Burgeſſes of *Newcaſtle* ſent *Thomas Rutter* and *John Hall*, two Sergeants, with *Thomas Otway*, *Richard Tederick* and other free Carpenters of *Newcaſtle* to *Sheilds*, to ſeize upon all the aforeſaid Work-men for daring to ſave any ſhip from ſinking in that River, with command to carry them to priſon.

(D) The two women ſeeing their Servants trailing away, railed againſt their evil practices, for which *Thomas Rutter* with a club, by ſeveral blows upon *Ann Cliffs* body and head knockt her down to the ground; the other Sergeant *John Hall*, by ſeveral blows with a Rule or Trunchion broke *Ann Wallice* her arme, and then perceiving Souldiers coming from *Tynmouth* Caſtle, both the ſaid Sergeants fled to *Newcaſtle*, where they were protected from the hand of Juſtice.

(E) The ſaid *Ann Cliff* was taken up, carried home, got to bed, and in few weeks dyed* thereon. For which the ſaid *Rutter* was indited, and found by the Jury guilty, yet did not ſuffer. The ſaid woman required her friends, as they would anſwer it at the laſt day, they ſhould require her blood at the hands of *Rutter*, he being her death. The poor men kept in priſon *, and *Cliff* kept in ſuit at Law for his working by *Newcaſtle*, and his men, and they forced to give Bond never to work again. See Chap. 25. (B) 29 (E) 30. (F) 1 *Edw.* 6. 12 *.

Henry Harriſon, *Thomas Cliff*, and *Elianor Lounſdale*, all prove the like.

CHAP. XXXVII.

(A) THomas *Salkield* Gent. upon his Oath ſaid, That he being at *Sheilds* in the County of *Northumberland*, upon the Two and twentieth day of *May*, 1653. ſaw a great number of men belonging to *Newcaſtle*, with Swords drawn, and Piſtols cockt, who invironed a Gentleman, who was peaceably in his houſe, and ſhot at ſome of the ſaid Gentlemans ſervants, and beat his Wife, and much blood was ſpilt, they pretending they came by Warrant, and produced a Warrant from the Mayor, Mr. *William Dawſon*, Mr. *John Butler* Sheriff of *Newcaſtle*, to take him and carry him away to priſon under pretence of debt; but the Sea-men got aſhoar, fell upon the ſaid *Newcaſtle*-men, wounded and diſarmed them, and relieved the ſaid Gentleman. See *Stat.* 2 *Edw.*3.3. 4.*Ric.*2. 37.*Hen.*6.

Tho. Salkield, *Lettice Hume*, *Mary Hume*, and many others, prove the ſame.

(B) *Thomas Salkeild*, Gent. upon his oath ſaid, he knew a Gentleman caſt into *Newcaſtle* Priſon upon a bare Arreſt in *Auguſt* 1652. And laid actions upwards of Nine hundred pounds, where Twenty pound could not bee recovered. And kept him lockt up in a priſon from all comforts in a Tower above 36 foot high, being forced to evacuate in the ſame Room he lay, and eat his meat, by reaſon he was locked from the houſe of eaſement.

(C) He offered good Bayl, Free-men of *Newcaſtle*, who were accepted and entered in the book, and two daies after raced out again, and he ſtill kept there. He deſired to be admitted to defend his own Cauſe in their Court, but they refuſed it.

(D) Deſired to go with a Keeper to Counſel, which was alſo denied: His Friends and Servants often not admitted to come to him.

(E) Proffered good Bond to be a true Priſoner, to the end he might have the benefit of the freſh Aire, for preſervation

vation of his health, but at the Goalers houſe, which the Sheriff granted at the firſt, but preſently after refuſed, ſaying, that the Mayor, Aldermen, and himſelf had a meeting, and reſolved he ſhould have no liberty, being an enemy againſt their Privileges.

(G) The ſaid Gentleman offered them that what any could recover againſt him by Law, they ſhould have it without Law.

(H) Conſtrained to drink the Goalors Beer, not fit for mens bodies.

(I) No Tryall ever againſt him; They diſobeyed two or three *Habeas Corpuſſes*, which the Sheriff received, and his Fee, and was proffered to have their charges born, but never returned them.

(K) Refuſed ſubſtantial Bond to appear at *London* before the Judges. And after five months impriſonment, he brake priſon in *February* following.

(L) And he further affirms, That upon the third of *February* 1652. one *John Cuthbertſon* being impriſoned upon an action of 5 l. debt, but no tryal ever had againſt him for the ſame, was upon this Gentlemans getting away, caſt into the Dungeon by the Command of the Magiſtrates of *Newcaſtle*, where they laid fetters of iron upon him, to force a confeſſion from him whether he did not help the ſaid Gentleman out; where he lay upon the cold earth, without either Bed, Straw, or any other thing to keep him warm, or firing; And fed him onely with bread and water, and fuſed conſtore able ſubſiſtance to be brought unto him.

(M) The poor man being not worth, in the whole world, forty ſhillings, and two children a begging, and himſelf kept in priſon after this impreſſion, begging for food.

(N) And that he was certainly informed, that ſome of the Officers of *Newcaſtle* had counterfeited a Letter, and ſet the Gentlemans name to it, and read it to the ſaid Priſoner, thereby perſwading him to confeſs he helped him out of priſon. See *Stat.* 23. *Hen.* 6. 10. 1 *Edw.* 1. 15. See chap. 41.

Thomas Salkeild.

Hornet Mirror ſaith, It is an abuſe that priſoners be

charged with irons before they be attainted, *Cap.*8. *Sect.* 1. 2 *Edw.*3.10. 1 *Edw.*3.10.

Bracton ſaith, To lay a man in chains is againſt the Law, for a priſon is to keep, not to puniſh.

And it is commanded by the Law, that neither Felon nor Treſpaſſor be puniſhed nor tormented in priſon, *fo.*11.17.

Fleta ſaith, It is lawful for Sheriffs to keep priſoners in priſon, but not to puniſh them, but keep them. &c.33 *Hen.*1. *P.Inſt.*54. See chap.41. (A)

CHAP. XXXVIII.

(A) RAlph *Tayler* publick Notary and Steward to the Carpenters of *Newcaſtle*, upon his Oath at *Gateſhead* in *January* 1649. ſaid, That the Mayor and Burgeſſes of *Newcaſtle* did ſue*, impriſon*, and fine* *Robert Johnſon*, *Alexander Hearon*, and *William Portice* of the Town of *Gateſhead*, *John Hubbert* of *South-Shields*, and *John Readhead*, only for working upon ſhips in the River of *Tyne*, being Carpenters, and made them to pay their fines, impoſed upon them by the Mayor and Burgeſſes. See *Stat.* 2. *Edw.*3.6. 28. *Edw.*3.3*. 9. *Hen.*3.29*. 43. *Eliz.*2*.

Ralph Tayler, and *Mich. Bonner* prove the like.

(B) *Michael Bonner* Merchant and Water-Sergeant of *Newcaſtle*, at the ſame time upon his Oath ſaid, That the Mayor and Burgeſſes of *Newcaſtle*, arreſted and impriſoned, and ſet a fine upon one *John Hardcaſtle* a Carpenter, for working upon a ſhip in the River of *Tyne*, he not being a Freeman of that Corporation, and made him enter into a Bond of 100 l. in *May* 1648. never to work upon his Trade again, and made him pay his fine.

Michael Bonner.

(C) *John Hall* upon his Oath ſaid, That the Mayor and Burgeſſes of *Newcaſtle* did arreſt, Impriſon, fined, ſued, and forced

forced Bonds from one *Richard Tayler*, *Henry Atcheſon*, and *Robert Lambert*, Smiths, whoſe Wives and Families inhabits at *North-Sheilds* in the County of *Northumberland*, and *Thomas Brocket*, of *Gateſhead* in the County of *Durham*, Smith, for no other offence than for working upon their lawfull Trades where they dwell; *Tayler* and *Brocket* ſtood out ſuit; *Atcheſon* entered into Bond, never to work upon his Trade to the ſhips on the River, and *Lambert* kept in priſon till almoſt ſtarved*, his Wife and ſix ſmal Children begging for food. See *Stat.9.Hen.* 3: 29*. 43 *Eliz.* 2.

John Hall.

(D) *Ralph Bowes* of *Newcaſtle* late Burgeſs, but disfranchized, upon his Oath ſaid, In *January.*16.9. that formerly he had ſeen an antient Writing belonging to the Mayor and Burgeſſes of *Newcaſtle*, purporting that it was unlawful for any Tradeſmen to work or live in any port adjoyning to the River of *Tyne*, but onely at the Town aforeſaid, and that the Mayor and Burgeſſes have had the puniſhing of all ſuch as did work. As alſo the correction thereof in that Port, &c.

Ralph Bowes.

It is pitty this Gentleman is not reſtored to his freedom again for this his great diſcovery. Surely this ſaid writing was made by the Corporation themſelves, it was ſo conſcienciouſly drawn, it having ſo little regard to the weal of the publick.

CHAP. XXXIX.

D. *The Mayor and Witneſſes.* C. *The Maſter Swearing.*
A. *The Maſter cutting a Purſe.* B. *The Clarks telling the mony. To ſwear againſt themſelves. To be Impriſoned. To cut a Purſe. To pay a Fine. Are four puniſhments for one offence.*

(A) THomas Haſlwood of *London* Maſter of a ſhip upon his Oath ſaid, that all Maſters of ſhips, which ſayleth into the River of *Tyne* for Coals, Salt, &c. The Mayor and Burgeſſes of *Newcaſtle* compels them to * ſwear againſt them-

themſelves, whether they did not caſt ballaſt at Sea between *Sowter* and *Hartly*, or within fourteen fathom water, to the hurt of the ſaid River of *Tyne*. And when the ſaid Maſter hath ſworn the truth, that he did not, then a poor drunken Fiſher-man, or other, is called into the Town-Chamber, and maketh Oath that the Maſter did caſt ballaſt, when in truth he did not, he having part of the Fine for the ſame.

(B) Then the Maſters Oath is invalid and laid aſide,* and forthwith is commanded to pay a Fine of five pounds, or elſe to cut a purſe, which hangs up in the Town-Chamber, with ſand and money in it, and ſo much as is therein, he muſt pay, or is ſent to priſon, and there to lye till he doth pay it. See Ch. 14. (F)* 12.5.17. K. *Charles* (19. *Hen.* 7.7.)

Tho. Haſilwood, John Lockwood, and *Sam. James* Maſters of ſhips, proves the like. Read theſe Statutes.

(C) *Thomas Bradford* of *Lyn* affirms, that in, or about the year 1652. The Mayor and Burgeſſes of *Newcaſtle*, compelled one *Richard Neſting* Maſter of a ſhip to cut a Purſe* hanging up in the Town Chamber with monies in it, and paid money for ſo doing. See Chap. 12. (5) Stat. 8. *Eliz.* 4.*

Tho. Bradford.

(D) In *Spain* if any perſon do inform againſt another, let the ſuggeſtion be what it will, and the Information never ſo falſe, the party informed againſt, is ſent to priſon, and there kept till he do confeſs that it is truth, and thereupon is lead to the Stake and executed.

(E) The Heathen Kings, when they condemn a perſon to dye for any offence, firſt ſends him a pair of Scales, and a weight. If the Malefactor ſends him ſo much gold as the weight weigheth, is ſaved, otherwiſe not.

(F) The Star-chamber practice was to put a man to his Oath to betray himſelf, and confeſſe as much as he pleaſed, and then other witneſſes were brought in againſt him, as that of the Lord *Bucan*, and the Warden of the Fleet upon

upon a complaint made againſt the Warden in the Star-chamber, &c. Stat. 17. *Charol.*

CHAP. XL.

(A) *John Harriſon* of *London* upon his Oath ſaid, That all Maſters of ſhips belonging to the Coal Trade at *Newcaſtle*, are compelled to ſwear how many Coals and Chaldrons they have aboard their ſhips at *Newcaſtle* when they are loaden, which is impoſſible to ſwear, by reaſon they buy their Coals by weight; and often the Maſters occaſions draws them aſide, ſo are not then aboard when the Coals are ſhipped, but truſts to his, or their Mates. And often the Coal-boat hath much water which weighs heavy. Alſo great ſtore of Slates, and other rubbiſh: And often the ſhips are loaden in the night, ſo that this Oath is a great vexation to their ſpirits, and diſquieting thereof, and conceives that never a time a Maſter ſwears but he is perjured, and often deceived by the Keels-men in the Nayles.

Cap. *James Greenway*, proves the like.

(B) *The Oath, Ex Officio.* No man is bound by the Law of God, or Laws of the Land of *England* to betray himſelf, *In criminalibus, licet in contractibus*, not in criminal offences, but in contracts and bargains, it may be whether he did make the contract or bargain in queſtion, but never uſed to a Maletactor, for if Witneſſes do not come in againſt him, he is cleared by Law, and not put to his Oath to accuſe himſelf.

(C) Many are conſtrained to take an Oath, *De rebus Ignotis*, to anſwer to they know not to what, but Gods Command is, *Swear not at all.*

(D) Query, whether it be lawful for one to ſwear being forced?

(E) The anſwer, Magiſtrates may impoſe an Oath, with theſe three limitations; Firſt, If the thing be weighty.

Secondly,

Secondly, If otherwiſe it cannot be known. Thirdly, If it be not a ſnare to catch a mans ſelf, or trick to make him accuſe himſelf. Secondly, Magiſtrates ſhould be very wary how they inforce or conſtrain men to ſwear, becauſe they often thereby add fuel unto the fire of Gods wrath, by making men forſwear themſelves; And therefore it were better to looſe the thing in queſtion, than hazzard the loſs of a brothers ſoul, by making him perjure himſelf. *Paul* would rather chuſe never to eat fleſh, than to offend his weak brother.

(G) If yee believe him when he ſwears, why not upon a ſolemn proteſtation? It ſhould be conſidered, whether ſuch as is to be put to his oath, fears God; then he dares no more lye than forſwear himſelf: And if he fear not God, how will he fear to forſwear himſelf?

(H) The practice in *Newcaſtle* is worſe, for notwithſtanding a man is put to his Oath againſt himſelf, it will not ſtand, but another is called in to ſwear point blanck againſt what he had ſworn.

CHAP. XLI.

(A) *William Ling* Maſter of a ſhip of *Ipſwich* upon his Oath ſaid, That *Henry Truelove* Maſter of a ſhip with himſelf, did caſt their Ballaſt at *Sheilds* upon a ſufficient ſhoar, without any harm to the River, for which (B) the Mayor and Burgeſſes of *Newcaſtle*, arreſted them both, and detained them, till they did pay ten pounds fine for this offence, as they called it.

(C) He this Deponent, with Mr. *Truelove* tendered ſufficient Bail, Freemen *, to anſwer the great Council, or the Common Law for any thing that they had done. This they could not deny by their power. P. 17. N. 7. (D) But the Mayor and Aldermen ſharply reproved the Bondſmen for daring to offer themſelves as bail. And told to him this Deponent, and Mr. *Truelove*, that for a great Council there was

none: And for the Common Law, that they had within themſelves, and needed not to yeeld to any other Court: And that to priſon they ſhould go, and lye and rot, till they had paid the fine, P.17. N.7.

And then caſt them both into their ſtinking Common Goal, where onely a wall parted them and ſuch as had the plague, where they lay in that ſad and miſerable condition in hazard of their lives. (G) and was forced to pay the ſaid ten pounds, and all charges, beſides the loſs of their Voyage, which amounted to above 80 li. to their owners. (H) * There was no Tryal at Law, nor any other offence committed, but they could get no right, by reaſon they were to have the fines, and being Judges, Jurors and Witneſſes in their own Court, and for their own benefits. See *Stat.* 11.*R.*2 9(A) See ch.18.(C) 23.*Hen.*6.10.See ch.37.(D) 28.*Edw.*3.3.(F) 1.*Rich.*2.13.99.(G) 1.*Ed.*3.15.(C)

William Ling, and *Henry Truelove*, ſwears the like.

(B) *Joſeph Prieſtly*, with *John Walker* the Miniſter of *Jarrow*, and twelve more upon a Tryal at *Durham* Aſſizes, between the Dean and Chapters Plaintiffs, againſt *Thomas Talbot*, and *Richard Allen*, Gent. concerning the right of *Jarrow* * *Slike*, which by verdict was given to the Defendants, upon their Oathes ſaid, That they knew *Jarrow Slike* by eſtimation Three hundred Acres, where a wall was building to have it a Ballaſt-ſhoar for the good of Ships and River, 22 *Feb.* 1638. By *Ling*, and *Truelove*. And that the Ballaſt which was caſt thereon, was caſt without any prejudice to the River, and there lay ſafe and ſad, and that neither the wind could ever blow it off, nor the rain, nor waves could waſh it into the River. See chap.34.(A.D)*

Joſeph Prieſtly, *John Walker*.

How long will yee give wrong Judgement, to accept the perſons of the ungodly? Pſa.82.2.

CHAP.

CHAP. XLII.

(A) CAptain *Robert Wyard* of *London* upon his Oath ſaid, That he with his ſhip being in the River of *Tyne* at *Newcaſtle*, in *Novemb.* 1649. where one of his ſhips company (it ſeems) did caſt two or three ſtraw Mats out of one of his ſhips Port-holes, yet to this Deponents unknowledge, which could do no harm to the River, by reaſon of its ſwiming to Sea *, but one *Edward Green*, and one *Wilkinſon*, two Free-men of *Newcaſtle*, ſtanding a quarter of a mile from the ſhip upon the Land, made Oath at *Newcaſtle*, That this Deponent caſt out ballaſt into the River, to the prejudice thereof.

* It could do no harm to the River, other than endanger the choaking of the fiſh.

(B) Whereupon the Mayor and Burgeſſes of *Newcaſtle* ſeized him, and fined him twenty pounds‖ for the ſame, and conſtrained him to pay ten pound of it, and ten pound to *Green*, and eight pounds to *Wilkinſon*, and twenty four pounds more the Suit coſt him, being fined by them, for ſaying they were forſworn, to ſay he caſt ballaſt into the River, when he neither did, nor was out of his Cabin when the Mats were caſt in.

‖ Yet the 10 l. did not cleanſe the river thereof.

Robert Wyard.

* 1 Tim. 6.10.

(C) And further ſaith, That the Mayor and Burgeſſes were Plaintiffs, Judges, Jurors and Witneſſes in this cauſe of their own fines. See chap. 11. (E) *Stat.* 5. *Eliz.* 9.

If theſe men be fined ſo high for ſo ſmall an offence, and that igorantly? what muſt thoſe men that have offended arrogantly and knowingly a thouſand times more? *Thomas Peach*, Maſter of the *Ann Speedwel* of *Ipſwich*, who by ſtorm was caſt upon the Rocks near *Tinmouth* Caſtle, and for caſting his ballaſt over-board to ſave his ſhip, was fined by the Mayor and Burgeſſes.

Mr. *James Talbot*, for his men ſweeping the Bins of his ſhip where there could not lye above one ſhovel full of ballaſt, was fined five pounds, and laid it down; ſome they took, and ſome they returned to him again.

CHAP. XLIII.

(A) *Nicholas Pye* of *London* Creup, upon his Oath ſaid, That Mr. *Thomas Partridge* of *Gateſhead* Maſter, being loaded at *Newcaſtle* by *Thomas Read*, Fitter, with bad and unmerchantable Coals, which he had ſold for good Coals to Mr. *Clark* of *London*, and M. *Oſridge*, M. *Godfrey*, M. *Harriſon*, and others at the rate of 31 l. the ſcore, but proving ſo bad, that he was threatned to be ſued by the ſaid Gentlemen that bought them, and was conſtrained to compound for the ſame, and loſt 6 li. in every ſcore. And that he hath known much bad Coals, which the Freemen of *Newcaſtle* forceth Maſters of ſhips to take, to the great loſs on all hands.

Nicholas Pye.

Pray look into the tenth year of King *James*, what puniſhment hath been for the ſame formerly.

The ſaid *Thomas Read* did give 20 li. as part of ſatisfaction to the ſaid M. *Tho. Partridge* the Maſter, and in conſideration of his great wrong, &c.

(B) Captain *Gregory Butler*, Captain of a man of War for the Parliament, upon his Oath ſaid, That in *April* 1650. He this Deponent wanting ſome ballaſt for his ſhips uſe, being at *Shields*, required a Maſter of a ſhip of *Yarmouth*, to caſt his Ballaſt into his ſhip for the States uſe, which the ſaid Maſter did with much care, and no prejudice to the River.

(C) For which the Mayor and Burgeſſes of *Newcaſtle* refuſed to ſuffer any Coals to be laid on board of his ſhip, till he paid 5 li. fine for this contempt, and forced him to pay a fine, and to pay eight pence for every Tun of ballaſt (beſides) computing it to 48 Tun, and then, and not before, he could get any Coals See chap. 44. *Gregory Butler.*

Thomas Partridge Maſter affirms, that Mr. Alderman *Samuel Rawling* forced him to pay for 80 Tuns of ballaſt, when he carryed but 42 Tun. Every Freeman pays ſix pence the Tun, and un-Freeman pays eight pence, there is no warrant to demand any ſuch ſum. *Thomas Partridge.*

(D) *Richard Leaver* of *Ipſwich*, maſter of a ſhip upon his Oath,

Oath ſaid, That for his caſting out ballaſt at *Shields* upon a more convenient ſhoar than any was at *Newcaſtle*, and without any hurt to the River, went to *Newcaſtle* to the Coal-Fitter to be laden, but could get none, by reaſon of a combination of the Free Hoaſt-men who had made a new Ordinance * amongſt themſelves in the Free Hoaſt-mens Court, that who ſhould dare to ſell a Coal to any ſuch Maſter of a ſhip, as did not caſt ballaſt upon the Town ſhoars ſhould forfeit twenty pound a time.

(E) Upon which this Deponent waited above ten dayes and could not get Coals for money, but at laſt prevailed with one of the Fitters of Coals at *Newcaſtle* by promiſing him to ſave him harmleſſe, and he would load him, which was done. For which the ſaid Mayor and Burgeſſes caſt the ſaid Fitter into priſon, where he lay till a Fine of five pound was paid for his ranſome, with other Charges, which he this Deponent was forced to pay, beſides loſſe of his Voyage; This was without any triall at Law, &c. (See 19. *Hen.* 7. 7.* 28. *Ed* 3. 3.

Rich. Leaver.

CHAP. XLIV.

(A) *Rich. Leaver* of *Ipſwich* Maſter of a ſhip, upon his Oath ſaid, That for the only gain and advantage of ſome Aldermen and a few other private perſons of the Town of *Newcaſtle*, no Maſters of ſhips can be tollerated to caſt Ballaſt in any part, but at their Ballaſt-ſhoars, which is unlawful and very prejudicial to the River and Trade. And muſt often pay for eighty Tun of Ballaſt * when indeed there is but forty to be paid for. (B) And do hinder all Coals from being ſold to any ſhip which do caſt Ballaſt at *Sheilds* upon as ſufficient Shoars, and better than the other, both for the good of the River, and leſſe hurt to ſhips, and more Voyages made in the year. (C) Alſo that the Mayor and Burgeſſes do prohibit all the Coal-Owners in both Counties of *Northumberland* and *Durham* for ſelling their own Coals, it tending to the ſaid Owners utter undoing, and the cauſe of many Voyages loſt in the year, to the great

prejudice of the poor, and much loſſe to the State. (D) And that there is more convenient places to build Ballaſt-ſhoars, which will laſt for hundreds of years without hurt to the River, at, and neer *Shields*, then where they are at preſent. See Chap. 43. See the following Depoſition.

Richard Leaver.

Cap. *Butler*, *Samuel James*, Cap. *Philips*, and *Jeremiah Low*, proves the like.

(E) *Thomas Cartwright* of *Lyn* Merchant, upon his Oath ſaid, That by reaſon all Coals are ingroſſed and ſold by the Free-men, the Mayor and Burgeſſes of *Newcaſtle* onely, tends to the great impoveriſhment of the Coal-owners of the two Counties, where all the Coals are.

(F) Alſo that it is the cauſe of the high and exceſſive Rates of Coals at *London* and Sea-coaſts, and loſſe to the Maſters ſeveral Voyages in the year.

(G) And to the State likewiſe in cuſtomes of the three ſhillings *per* Chalder.

(H) And that he hath known many ſhips denied to be laden with Coals, only for caſting ballaſt at *Shields* to their extraordinary loſſe, which is the cauſe of Coals being ſold the dearer, they ſtaying ſo long for them.

(I) And that the ſaid Mayor and Burgeſſes being the ſole cauſe hereof, and likewiſe engroſſe all proviſions coming in by Sea; and ſets their own Rates thereon, and takes exceſſive * Towl, one peck of every grain of Corn. See Stat. 22. *Hen.* 8. 8. *. See Chap. 44. (C) (A.)

Tho. Cartwright, Mr. *Symonds*, and *Wil. Reavely* proves the like.

1 The pre-emption of Tyn, Soap, Salt, Cards, &c. was adjudged grievous, and why not Coals, which is of as great uſe, nay more, as appears by Ordinance of Parliament, 1640. (A) alſo they were damned by the judgement of the ſage Judges in Sergeants-Inn upon a Conference then had before that Parliament began, as being repugnant to the *Law*.

2 And

2 And why a Monopoly of Coals more upon the Owners, then on any thing else in *England*? And more of them to be inslaved then any other people of *England*? I appeal to God, the whole world, as also to the Coal-Engrossers themselves whether it be just? &c.

CHAP. XLV.

(A) *December* 1653. A Charge was exhibited to the Committee for Inspections, and advance of Customes against Mr. *George Dawson* Collector of the Customes of *Newcastle*, the Contents being as follows, *viz.*

(*B*) That the State hath been, and is much wronged in their Customes in that Port, by reason some of the said Customers, are Traders, *Merchants*, &c. And many ships vexatiously troubled without just cause, onely by reason they buy not their Coals from them, and ordinarily give Coals for reparation Custome-free. As also a second charge exhibited to the Commissioners of Customes, not doubting but to receive Justice at either place, here follows the Deposition, *viz.*

(C) *Jonas Cudworth* of *Newcastle* upon Tyne Draper, upon his Oath * in *December* last, said, That *Mr. George Dawson* of *Newcastle*, Collector of the Customes in the same Port, did exercise the Trade of a Free-Hoft-man * in the year 1651. and imployed for his Fitter one *Tho. Read*, who loaded several vessels with Coals, and cleared them in the name of the said *Mr. Dawson*.

* Coal-Ingrossers.

(D) And in the year aforesaid, one *John Grip* master of a Hoy belonging to *Hamborough*, was laden with Coals by the said *Thomas Read*; and information being by this Deponent to the Surveyor of the said Port, by name *Mr. Meriton*, that the said *Grip* had shipped a great quantity of Coals more then he had cleared for, and paid the duty of Customes. The said *Mr. Meriton* had acquainted the said *George Dawson* herewith. After which notwithstanding, information was made,

made, and ſeizure alſo ſhould have been made. He the ſaid *George Dawſon* did admit of a Poſt entry of a ſmall quantity of the ſaid Coals, and after Cocket granted, and did not unload the ſaid Veſſel to diſcover the fraud & ſeize the ſame.

(E) This Deponent further ſaid, That about the ſame time, the ſaid *George Dawſon* did unload another Veſſel belonging to *Peter Hofman* of *Dantzick* to his great damage before any Cocket granted; and refuſed to let any Entry be made, though offered before full loading. And for reparation thereof, he gave to the ſaid Maſter four Chalder of Coals cuſtome free. And the ſaid Maſter, *George Dawſon*, had, and hath parts of ſhips, * and Trades over Sea with Coals. (See Stat. 3. *Hen.* 7. 7.*) 14. *Rich.* 2. 10.

Jonas Cudworth.

(F) *Theſe are humbly*, to certifie, That *David Lindiman* Maſter of a Ship called the *Fortune of Stetin*, did load his ſhip with Coals in the ſaid Port of *Newcaſtle* upon *Tyne*, and cleared in the Cuſtome-houſe for threeſcore and twelve Chalder of Coals. And that *Jonas Cudworth* of this Town came and told me, That the State was wronged of Cuſtome for forty Chaldron of Coals in that ſhip, and gave the names of the Maſters of Keels or Boats that laid the Coals aboard, and requeſted they might be ſworn, which was done, and the Information found true. The ſaid Mr. *Lindiman* did pay for forty Chalder of Coals, more then he had entred for in the Cuſtome-houſe, which Cuſtome amounted to fifty and odde pounds. All which I humbly conceive the State had been defrauded * of, if the ſaid *Jonas Cudworth* had not informed thereof. See Stat. 11. *Hen.* 6. 15.

Tho. Meriton Surveyor.

Newcaſtle upon *Tyne* 23. of *March.* 1643.

It is the old Proverb, *Foul Birds bewrayes their own Neſt.*

If one ſhip could cheat the State ſo much as fifty odd pounds Cuſtome, What do hundreds of ſhips do? See chap. 46. (B.)

CHAP.

CHAP. XLVI.

(A) *George Philips* of *London* Maſter and Captain of a ſhip upon his Oath ſaid, That for his caſting Ballaſt at *Shields* upon as ſufficient Ballaſt-ſhoars as any can be, could not obtain his loading of Coals, for doing thereof, being denied by the Mayor and Burgeſſes of *Newcaſtle*, and lay five weeks for the ſame, and at laſt obtained favor from one Major *Tolburſt*, and Mr. *Readnal*, to furniſh him with Keels or Lighters, to fetch ſuch Coals as he could procure. And when he had loaded his ſhip, Mr. *George Dawſon* Collector of the Cuſtome-houſe, and * Officer of the Corporation of *Newcaſtle*, ſometimes Mayor, Alderman, Juſtice of Peace, and Merchant, and Mr. *George Blackſtone* Cheque of the Cuſtome-houſe, iſſued out a Warrant under the Town-Seal and Cuſtome-houſe-Seal, to ſeize his Ship and Coals upon the 19. of *April* 1651. which Warrant is extant amongſt the Records at *White-hall*. See Stat. 3. *Hen.* 7 7.* 11. *Hen.* 6. 15. *George Philips.*

(B) *Coales the Chalder* at *Newcaſtle*, doth coſt the Maſters of ſhips ten ſhillings the Chalder *Newcaſtle* meaſure, and one ſhilling cuſtome, ordained by Queen *Elizabeth*.

For all Coals carried beyond Sea by any Engliſh man, pays by the Chalder for Coals and Cuſtome, eleven ſhillings four pence, as by an Act of Parliament of the 28. of *March*, 1651. appears.

For all Coals carried by any ſtranger, payes the Chalder double, being for cuſtome *per* Chalder, two and twenty ſhillings eight pence, and *Argiere* duties, &c. in all ſix and twenty ſhillings and ten pence cuſtome, beſides the price of Coals and Fraught.

For all Coals at the Market in every Port two ſhillings *per* Chalder Exciſe towards building of Frigots.

And for all Coals ſold by the Tun one ſhilling *per* Tun. And for all Scotch Coals two ſhillings ſix pence *per* Tun.

(C) And yet notwithſtanding theſe Impoſitions, Coals

might be sold for twenty shillings the Chalder all the year long at *London*, with greater gain to the Masters and Seamen, if Ballast-shoars, were at, or neer the *Shields*.

(D) Provisions for the relief of the multitude of shipping above nine hundred sail, and the Inhabitants there.

(E) Coals to be bought from the first hand, then there might be as many more Voyages in the year, as now they make.

(F) The Masters of ships desires onely their due measure, and then they would not regard the odd Chalder given to the score; All which they are debarred of most unjustly, for commonly where ships takes in at *Newcastle* one hundred thirty six Chalder of Coals, and expects to make at *London* two hundred and seventeen, or else loseth, besides having bad coals a long Voyage, there are computed three hundred and twenty Coal Keels *alias* Lighters, and every Keel accounts to have carried every year eight hundred Chalder of coals to ships, then judge how many thousand *London* Chalder is carried away. See Chap. 23.

John Wrenham,
Robert Rew.

CHAP.

CHAP. XLVII.

People robbed in the open Market, and others, only paſſing through Newcaſtle.

A,C,E. *Three* Newcaſtle-men. B. *Iſabel Orde.* D. *John Williamſon.*

(A) *Elizabeth Lumſdel*, upon her Oath ſaith, That one *John Williamſons* wife and ſervants, having bought forty pounds worth of Tobacco (who dwelt at *Braughton* in the County of *Cumberland*) which ſaid Tobacco, all duties of Exciſe, Cuſtome or Toul were paid, and carrying the ſame through *Newcaſtle* towards *Carliſle*-Market, one

Mr. *Huntley*, and Mr. *Stranguage* Merchants, made * a ſeizure of the ſaid Tobacco and Horſes, by order from the Magiſtrates, pretending it were Foreign bought, and Foreign ſold,* and therefore confiſcate to their uſe. The poor people petitioned Sir *Arthur Heiſterigge* for the ſame, who interceded hard with them for the reſtauration thereof, but it was refuſed, yet they fearing Sir *Arthurs* diſpleaſure, ſold the Tobacco for thirty pound, and reſtored to the poor Owner but fifteen pounds thereof.

(B) This Deponent further affirms upon her Oath, that about the ſame time one *Iſabel*, wife to *Henry Orde* ſitting in open Market ſelling a role of Tobacco, who had paid all duties, the ſaid Mr. *Huntley*, and Mr. *Stranguage* made * ſeizure by ſtrong hand of the ſaid Tobacco from the poor woman, and would not acquaint them with the reaſon, whereupon in paſſion ſhe called them Robbing Raſcals, for which they ſued her poor husband in their own Court, and put him to great expences; ſhe this Deponent, with the ſaid *Iſabel*, hard petitioned Judge *Thorp* for her Tobacco, who ſent for the two Merchants, and demanded the reaſon of their taking away the poor womans Tobacco in the open Market, who produced a Warrant from the *Mayor*, who likewiſe was ſent for, by name *Mr. William Dawſon*, the Judge demanded of him, by what power he durſt rob people in the *Market*, who replyed, Foreign bought, and Foreign ſold, *My Lord*; but command was given by the ſaid Judge to reſtore the ſame, but after departure it was not; then the Judge granted a Warrant for reſtoring the ſame upon his going away, and when it was ſhewed the *Mayor*, he ſnatched it, and put it up into his pocket, and would not reſtore the ſaid Tobacco, but ſleighted the ſaid Warrant. See Stat. *3. *Ed.* 1. 24. 11. *Ric.* 2. 7, 27. *Ed.* 1. 5. 6. *Ed.* 6. 9. See chap. 49. 51.

Eliz. Lumſdel.

CHAP.

CHAP. XLVIII.

(A) LEttice Hume, upon her Oath ſaid, That no victual or other proviſions coming in by Sea for the relief of *Northumberland* or County of *Durham* is permitted to be ſold at *Shields*, but all is compelled to *Newcaſtle* by the Magiſtrates, and there ingroſſed after three Market dayes, Tueſday, Saturday, and Tueſday, and payes double Tole, in and out, & pays double rates for the ſame, and that ſhe hath often known Boats, and Proviſions caſt away, and peoples lives in going and returning from *Shields* to *Newcaſtle* in ſtormy weather too and from the Market, namely, one *William Red*, with others in the year 1650. at the ſame time, and before, nor never any Coronor ſate upon any of the dead bodies, nor young *Mr. Snape*, &c. And that greater Rates are given for proviſions being bought up by the Townſ-men, then might be had at the firſt hand. See chap. 11. (H) 44 (I) 49. (C) * Stat. 3. *Ed.* 1, 20. 23. *Ed* 3. 6. *

Mary Hume, *Lettice Hume* proves the like.

(B) Mr. *Richard Blewet*, brother to Commiſſary *Blewet* affirms, that in, or about the year 1649. Rye was at ſixteen ſhillings the Bowl in *Newcaſtle*, none to be got for the poor, but from the Merchant who had bought it all up, that the poor being in great want, Sir *Arthur Haſterigge* cauſed the ſaid Commiſſary to lay out a thouſand pounds of the publick ſtock upon Rye, from the firſt ſhips that came, and to ſell it for the relief of the poor, four ſhillings under the Market, which was done.

(B) The Merchants of *Newcaſtle*, proffered to his ſaid brother, the Market price for all the corn he had bought, which was ſixteen ſhillings the Bowl, when they ſaw the ſaid Commiſſary ſell for eleven ſhillings *per* Bowl to the poor, and the Commiſſary was a great gainer at eleven ſhillings, and paid as much as the merchant.

(C) And by reaſon the ſaid Commiſſary did refuſe, ſome of them threatned, if ten thouſand pounds would break

his back in ſuit for daring to ſell Corn in their Town, he not being a Free-man, it ſhould. This Information I had from Mr. *Blewet*, who will make it good upon his Oath, when called, and from Mr. *Nich. Ogle*. They will neither doe good, nor ſuffer good to be done; much like the Dog in a Manger. See *Stat.* 5. 6. *Edw.* 6. 14. 23. *Edw.* 3. 6. 2. *Edw.* 6. 15. 5. *Eliz.* 12.

CHAP. XLIX.

(A) *William Reavely* of *Lyn*, Maſter of a ſhip upon his Oath ſaid, That by reaſon of the ſhips not caſting ballaſt at *Shields*, above four if not five Voyages are loſt in the year compleat.

(B) That all proviſions brought in by Sea, are compelled up to *Newcaſtle*; and there ingroſſed into the Free-mens hands, people often going to Market have loſt their lives; and many ſtarved to death in the two Counties, which cannot get to *Newcaſtle* market in the Winter ſeaſon, by reaſon of the great ſtorms of ſnows, and the River frozen, and no market allowed for the Countries relief at *Shields*, where many thouſand of Paſſengers, Sea-men, and Inhabitants are, being twelve miles from any market in the ſame County.

(C) That he this Deponent, and ſhips company, hath often been conſtrained to go to Sea without Bread or Beer, none being to be got at *Shields* on a ſudden, and have drunk water for above five daies, which hath ſo weakened his men, that they were in great danger of their lives. And that from *Newcaſtle*, they often ſend down dead Beer, and the Casks but half or three parts full, from the Brewers of the ſaid Town; and bread wanting above two pence weight in the ſhilling, and not looked after by the Magiſtrates.

(D) That they the ſaid Mayor and Burgeſſes of *Newcaſtle* aforeſaid, did ruin one *Mr. Johnſon*, and *Mr. Hilton* for brewing at *Shields* for the relief of the ſhips. And that they rooked from him this Deponent twelve barrels of beer, which he brought

brought from *Lyn* for the relief of the poor at *Shields*, and made it confiſcate; Arreſted him, and caſt him into priſon, ſued him, and made him enter into ſixty pound bond never to bring in any more. Alſo kept a bag of Hops which was ſent to a friend in *Northumberland*, and that he hath known them often do the like to others, they being Judges, Jurors, and Witneſſes in their own cauſe.

(E) That they take exceſſive Tole*, above a peck of Corn of every Grain brought to be ſold by veſſels, beſides all other duties.

(F) That the ſaid Magiſtrates force men to ſwear againſt themſelves *, and will not tollerate any Gentleman to build ballaſt-Shoars upon their own land.

(G) And that he this Deponent hath ſeen ballaſt Warrants ſigned by one of the Magiſtrates*, only for Keels to carry up ballaſt from *Shields*, and hath ſeen the Keel-men caſt it into the River in the South Road, to the Rivers great damage: * And often dirt caſt into the River by ſervants brought out of the Gates when no watchmen were kept. See ch. 39. (A) 12. 4. 14. (C) 47. (B) 51. See *Sta.* 27. *Ed.* 1. * 51. *Hen.* 3. 15*. 11. *Hen.* 7. 4*. 5. 6. *Ed.* 6. 9*. 3. *Ed.* 1. 20*. 17. *K. Char.**

William Reavely.

(G) *Hugh Farrow* of *Lyn*, Maſter of a ſhip upon his Oath ſaid, that he and his ſhips company having lyen ſo long at *Shields* for a fair wind with the fleet, that when they had ſpent all their proviſions, at no time could obtain any from *Shields*, by reaſon obſtructed by the Magiſtrates. And having ſent up his boat and ſome of his men for ſome at *Newcaſtle*, the wind came fair, and on a ſudden the ſhips all ſet ſail to Sea; So that he this Deponent muſt looſe the protection of the fleet, and hazard himſelf to the mercy of the Enemy, or muſt leave his men and boat behind, which the latter he did, and was conſtrained to drink ſtinking water for four daies, for want of Beer, which might be conveniently got at *Shields*. And he was in greater danger of looſing his ſhip for want of his men.

Hen. Farrow.

CHAP.

CHAP. L.

(A) IO: *Gardener* of *London* upon her Oath ſaid, That within this ſeven and twenty years or thereabouts, ſhe knew the uſual practice of the Mayor and Burgeſſes of *Newcaſtle*, was to ingroſs all proviſions into their hands, as Corn, *&c.* and have kept it * in their Corn-Loſts || till ſo dear, and at ſuch high and exceſſive Rates that moſt people could not buy it. And that the people of *Northumberland*, and County of *Durham*, being in great want for bread, that many were conſtrained to let their beaſts blood, and made Cakes thereof to eat inſtead of bread, and in the Spring time many of thoſe beaſts dyed being over-blooded.

(B) Other poor people killed their Coal-horſes for food, ſome eating Dogs, and Cats, and ſtarved: Many ſtarved to death *, ſixteen or ſeventeen dead in a hole together; and yet at the ſame time many hundred bowles of Corn caſt into the River being * rotten, and mouldy, and eaten with Rats; And ſome of thoſe people boaſting, they hoped to ſee the day a bowle of Corns price ſhould buy a ſilk Gown. This was not in the time of War. And the Countries might have had plenty, if it had not been ingroſſed by them. See *Stat.* 5 *Eliz.* 12.* 23. *Ed.* 3 6*.

Jo. Garnerer.

Major *Will. Burton* late Member of Parliament, *Tho. Heſilwood*, and *Wil Reavely*, proves the like.

(B) *Richard Tayler* upon his Oath ſaid, that the Mayor and Burgeſſes of *Newcaſtle* do compel all Iron and other neceſſaries, which comes in by Sea for the Salt-pans and Colliers uſe, at and near *Shields* to be carried up to *Newcaſtle*, and unladen upon their Town-Key at the charge of the owner, and to pay Toule, and the ſame veſſels forced to ſail back to *Shields* empty, and often ſuch veſſels ſinks by the way; and their own veſſels muſt be hired at their own rates to carry it back again to *Shields*, being ſome times fourteen daies in getting down thither, though preſent uſe be for

for the ſame, and divers times caſt away. So that ſhips utterly refuſe to bring ſuch Commodities, to be put to ſuch unneceſſary and needleſs trouble and charge; And this is done conſtantly, notwithſtanding all duties are paid. And the ſhip or veſſel comes onely for Salt at *Shields* where it is made, and not to *Newcaſtle*, where they have no buſineſs, See *Sta.* 21. *Hen.* 8. 18.

Rich. Tayler.
Will. Reavely.

(C) It were leſs damage to the Commonwealth for allowing Seamen for their encouragements 5 l. Cuſtom-free of goods, then thus to be abuſed by meer pretences of loſs of Cuſtom, eſpecially by ſuch who wrongs the Cuſtoms. See ch. 45. (F)

CHAP. LI.

(A) *Alexander Symonds* of *Lin* Merchant, upon his Oath ſaid, that all Commodities, as well dead victuall, as other Merchandize are compelled up to *Newcaſtle* which comes in by Sea; And there, by the Mayor and Burgeſſes, are ingroſſed and bought up by them; nothing to be landed elſewhere but at *Newcaſtle*, notwithſtanding all ſhips do lye at *Shields*, and paſſengers; And often in ſtormy weather, and River frozen, none can paſs too and fro for any relief from thence, and none to be had elſewhere. And if there be any it is ſeized on by them of *Newcaſtle*, and confiſcate to their own uſe. Namely Beer from one *Will. Reavely* and divers others, See chap. 11. (N) 47. (A) 49. (D) 50. (A)

Alexander Symonds, and *Thomas Cartwright*, depoſe the like.

(B) Captain *James Greenaway* of *London* affirms, that his ſhip was at *Shields* in company with a fleet of loaden ſhips, where they all had lyen a long time for a fair wind, and had

often ſpent their proviſions. On a ſudden the wind came fair, and the whole fleet ſet ſail for *London*. He this Deponent having ſpent all his Bread, could get but two dozen at both *Shields*, yet was neceſſitated to ſet to Sea with the Fleet, otherwiſe had loſt their protection, if ſtaid till he ſent to *Newcaſtle* for bread.

(B) The whole fleet being at Sea, the wind came croſs, being a violent ſtorm, that it was five daies before they could get ſo high as *Scarborough*, ſome twenty leagues from *Newcaſtle*, and then the ſtorm ceaſed: And he this Deponent got aſhoar to *Scarborough* for bread, when the wind coming fair the fleet ſailed out of ſight, ſo he loſt their protection and company. (G) He getting aboard, and ſailing after them, was taken by a *Dunkirk* man of war, loſt his ſhip, goods, and money; his ſhip being worth 800 l. goods 200 l. and money 400 l. All which might have been ſaved, if Bread, Beer and Proviſions had been admitted to be ſold at *Shields*. Onely are hindered by the tyrannicall Power of the Mayor and Burgeſſes of *Newcaſtle*.

James Greenaway.

(H) *John Heulden*, upon his Oath ſaid, That in or about the year 1648. A Maſter of a ſhip was arreſted and impriſoned onely for ſelling of a little Corn to Commiſſary *Weſt*, by the Mayor of *Newcaſtle*, he alleaging the Town was not ſerved. But Sir *Arthur Hezlerigge* cauſed the Mayor to releaſe the ſaid Maſter; and demanded by what Power, Law, or Right they ought to impriſon any man for ſelling his own commodity in the Market or Key; And told Mr. *Ledger* then Mayor, if he did not releaſe him the Souldiers ſhould.

John Holden.

CHAP.

CHAP. LIII.

Many poor women impriſoned, and hanged for Witches.
A. *Hangman.* B. *Bellman.* C. *Two Sergeants.* D. *Witch-finder taking his money for his work.*

(A) IOh. *Wheeler* of *London*, upon his Oath ſaid, that in or about the years 1649. & 1650. being at *Newcaſtle*, heard that the Magiſtrates had ſent two of their Sergeants, namely *Thomas Soevel*, and *Cuthbert Nicholſon* into *Scotland* to agree with a Scotch-man, who pretended knowledge to finde out Witches by pricking them with pins, to come to *Newcaſtle* where he ſhould try ſuch who ſhould be brought to him, and to have twenty ſhillings a peece for all he could

condemn as Witches, and free paſſage thither and back again.

(B) When the Sergeants had brought the ſaid Witch-finder on horſe-back to Town; the Magiſtrates ſent their Bell-man through the Town, ringing his Bell, and crying, All people that would bring in any complaint againſt any woman for a Witch, they ſhould be ſent for and tryed by the perſon appointed.

(C) Thirty women were brought into the Town-hall, and ſtript, and then openly had pins thruſt into their bodies, and moſt of them was found guilty *, near twenty ſeven of them by him and ſet aſide.

(D) The ſaid reputed Witch-finder acquainted Lieutenant Colonel *Hobſon* that he knew women, whether they were Witches or no by their looks, and when the ſaid perſon was ſearching of a perſonable, and good like woman, the ſaid Colonel replyed and ſaid, ſurely this woman is none, and need not be tried, but the Scotch-man ſaid ſhe was, for the Town ſaid ſhe was, and therefore he would try her; and preſently in ſight of all the people laid her body naked to the Waſte, with her cloaths over her head, by which fright and ſhame, all her blood contracted into one part of her body, and then he ran a pin into her Thigh, and then ſuddenly let her coats fall, and then demanded whether ſhe had nothing of his in her body but did not bleed, but ſhe being amazed replied little, then he put his hand up her coats, and pulled out the pin and ſet her aſide as a guilty perſon, and child of the Devil, and fell to try others whom he made guilty.

(E) Lieutenant Colonel *Hobſon* perceiving the alteration of the foreſaid woman, by her blood ſettling in her right parts, cauſed that woman to be brought again, and her cloathes pulled up to her Thigh, and required the Scot to run the pin into the ſame place, and then it guſhed out of blood, and the ſaid Scot cleared her, and ſaid ſhe was not a child of the Devil.

(F) So ſoon as he had done, and received his wages, he went into *Northumberland* to try women there, where he got

got of ſome three pound a peece. But *Henry Ogle* Eſq; a late Member of Parlament laid hold on him, and required Bond of him to anſwer the Seſſions, but he got away for *Scotland*, and it was conceived if he had ſtaid he would have made moſt of the women in the North Witches, for mony.

(G) The names of the priſoners that were to be executed, being kept in priſon till the Aſſizes, and then condemned by the Jury being Burgeſſes were, *Matthew Bulmer*, *Eliz. Anderſon*, *Jane Hunter*, *Mary Potts*, *Alice Hume*, *Elianor Rogerſon*, *Margaret Muffet*, *Margaret Maddiſon*, *Eliz. Brown*, *Margaret Brown*, *Jane Copeland*, *Ann Watſon*, *Elianor Henderſon*, *Elizabeth Dobſon*, and *Katherine Coulter*. Theſe poor ſouls never confeſſed any thing, but pleaded innocence; And one of them by name *Margaret Brown* beſeeched God that ſome remarkable ſign might be ſeen at the time of their execution, to evidence their innocency, and as ſoon as ever ſhe was turned off the Ladder, her blood guſhed out upon the people to admiration of the beholders.

John Wheeler, *Elianor Lumſdel*, and *Bartholmew Hodſhon*, proves the like.

(H) The ſaid Witch-finder was laid hold on in *Scotland*, caſt into priſon, indicted, arraigned and condemned for ſuch like villanie exerciſed in *Scotland*. And upon the Gallows he confeſſed he had been the death of above two hundred and twenty women in *England* and *Scotland*, for the gain of twenty ſhillings a peece, and beſeeched forgiveneſs. And was executed.

(I) The Judgement nor Execution is not in queſtion, nor queſtioned, being ordinary; But onely it being deſired to know by what Law the Magiſtrates of *Newcaſtle* could ſend into another Nation for a mercinary perſon to try women for Witches, and a Bell-man to cry for them to be brought in, and twenty ſhillings a peece given him to condemn them?

(K) Queery, and by what Law men are hired to give evidence to take away peoples lives, and the convicted eſtates to come to the Jurors, being extraordinary?

The Lord Protector, commands all Judges, Justices and Witnesses to appear to execute Justice, and give evidence gratis.

Queen *Elizabeth* by her Charter grants to the Mayor and Burgesses, all fines and fellons goods in that Town and Liberties, *Zech.* 11. 5. See chap. 58. (C. D.)

CHAP. LV.

A. *Robert Sharp.* B. *Ann Bidlestone.*

(A) *Jon. Wilis* of *Ipswich* upon his Oath said, that he this Deponent was in *Newcastle* six months ago, and there he saw one *Ann Bidlestone* drove through the streets by an Officer of the same Corporation, holding a rope in his

his hand, the other end faſtned to an Engine called the Branks, which is like a Crown, it being of Iron, which was muſſled * over the head and face, with a great gap or tongue of Iron forced into her mouth, which forced the blood out. And that is the puniſh nent which the Magiſtrates do inflict upon chiding, and ſcoulding women, and that he hath often ſeen the like done to others.

(B) He this Deponent further affirms, that he hath ſeen men drove up and down the ſtreets, with a great Tub or Barrel opened in the ſides with a hole in one end, to put through their heads, and ſo cover their ſhoulders and bodies down to the ſmall of their legs, and then cloſe the ſame called the new faſhioned Cloak, and ſo make them march to the view of all beholders; and this is their puniſhment for Drunkards, or the like.

(C) This Deponent further teſtifies, that the Merchants and Shoe-makers of the ſaid Corporation will not take any Apprentice under ten years ſervitude, and knoweth many bound for the ſame terme, and cannot obtain freedome without. 5. *Eliz.* 4.

Theſe are ſuch practices as are not granted by their Charter Law, and are repugnant to the known Laws of *England.*

(D) Drunkards are to pay a Fine of five ſhillings to the poor, to be paid within one week, or be ſet in the Stocks ſix hours, for the ſecond offence, to be bound to the Good Behaviour, 1 K. *James* 9. 21. 7.

(E) Scoulds are to be Ducke over head and ears into the water in a Ducking-ſtool.

(F) And Apprentices are to ſerve but ſeven years 5. *Eliz.* 4.

I was certainly informed by perſons of worth, that the puniſhments above, are but gentle admonitions to what they knew was acted by two Magiſtrates of *Newcaſtle*, one for killing a poor Work-man of his own, and being queſtioned for it, and condemned, compounded with King *James* for it, paying to a Scotch Lord his weight in gold and ſilver, every ſeven years or thereabouts, &c. The other Magiſtrate found a poor man cutting a few horſe-ſticks in his Wood, for which offence, he bound him to a tree, and whipt

whipt him to death, related by *William Wall* Vintner in *Gates-side*, *Tho. Watson* Scrivenor on *Sandhill*, and *Ralph Watson* late Minister in *Northumberland*.

CHAP. LVI.

(A) *Five and twenty years ago*, upon the Trial with the Mayor and Burgesses of *Newcastle*, and Sir *Robert* * *Heath* the judgement of the most ancient and experienced Masters of the Trinity-House in *London*, were required in answer to the Town of *Newcastles* objections, as is upon Record in the Trinity-House.

(B) *Newcastles* saith, if Ballast-shoars be suffered to be built at, or near the *Shields* * it would hinder the Towns Trade, and endanger the River of *Tyne*. Neither can any Ballast-shoars be built at *Shields* below a full Sea-mark, or in any part of the River by any but *Newcastle*, by reason all that ground to a full Sea-mark on both sides the River, is the Towns by Charter from *Sparhawk* to *Headwin* streams, fourteen miles in length. See chap. 20. (A) 19 (E.G)

(C) Answer, to the first, it will not hinder the Town of Trade, but advantage the whole Nation, especially that Town, by reason double Trade will be drove thereby, and cause Coals to be cheaper at half Rates then now they are at, and the River better preserved.

(D) Secondly, it will better the River, for Inning of void and waste grounds and flats in Rivers causeth the streams to be more strong, and run more swift, which thereby will scowr and cleanse the channel, and consequently gain more water to the River, preserve the banks from falling into it, help Navigation, for the deeper the water, the more Navigable, the lesse danger, and more safety for ships. See chap. 19 (H) *

(E) It is also answered by others, if the ground to a full Sea-mark be theirs; then why should they proffer to King *Charles* * two hundred pound for Jarrow-slike, 1637.

All

All which the water covers, and is within a full Sea-mark. See 20.chap.(C.D.)

(F) Alſo why ſhould *Thomas Bonner* the Alderman, buy Sir *Henry Gibs* his Ballaſt-ſhoar to a low water-mark at Jarrow for his uſe from the Town (were it theirs before?)

(G) And why ſhould Mr. *Gibſon** ſwear none of that ground which they claim to a full Sea-mark is theirs? See 34.chap.(B.)

(H) In the Treaſury at *Weſtminſter* thoſe ancient Records, will quickly decide the controverſie, making it appear, that the one third part of the River on the South-ſide belongs to the Gentry of the County of *Durham*, and all grounds to a low water-mark; and the like on the North-ſide to the Gentry of *Northumberland*, and the other third part free for ſhips and veſſels to ſail too and fro, for the relief of the Inhabitants. See Chap. 34.(A)(*)(B) See Chap. 4.(*)

(I) It is too much, that the Corporation ſhould be Lords of both the Sea, and all the Land. And it is too little, the Commoners in both Counties, ſhould have neither Sea nor Land, being born to all alike.

A *quo Warranto* would know by what power they claim one ſhilling for every Ballaſt Bill, one ſhilling for every Salt Bill, three pence for every Chalder of Coals, two pence for every weigh of Salt, and eight pence the Tun for all Ballaſt, and I am confidently perſwaded (K) would void them all, for they are neither cuſtomary, nor warrantable by Law, (ſo unlawful;) as for other duties, as Tunage and Poundage, Cuſtomes, Lightage, otherwiſe called Beaconage, Boyage, for maintaining of Peers, and Ancoridge with Tole, it will hardly be queſtioned, except abuſed, let them complain that are agrieved &c. See Stat. 30. *Edw.* 1. 1301.

Inſtead of a Mayor in that, and ſuch like Corporations, a King *Cattelus* ſpirit to govern, were better, who hanged up all op preſſors of the poor, for an example, whereby he reigned twenty yeers in peace: Alſo a *Lud*, who made good Laws, and took away all uſages that were bad, and reigned long in peace and plenty.

His Excellencie Oliuer Cromwell Generall of all the Forces of England Scotland & Ireland, Chancelour of the Vniuersity of Oxford, Lord Protector of England. Scotland and Ireland.

R.G. fecit. Peter Stent Exc: 1653.

An Act for a Free-Trade in the River of Tyne *for Coals, Salt, &c.*

(A) WHereas Trade and Commerce is become now more than formerly the intereſt of this Nation; And it is therefore the duty, as well as the wiſdome of this Parliament, to ſecure and advance the ſame: And in order thereunto, and for other great ends of Honour and Safety to increaſe the Shipping, and incourage Navigation. And And whereas a great part of the Stock, and wealth of this Nation lyes in the well husbanding and managing of thoſe home Commodities of Coals and Salt, Milſtones, Glaſſe, the chief trade whereof is exerciſed upon the River of *Tyne*. And in the County of *Northumberland* and *Durham*.

(B) And whereas the Parliament hath been informed of great exorbitances done and committed, by the Town and Corporation of *Newcaſtle* upon pretence and colour of Powers, Priviledges, and Franchiſes granted to the ſaid Corporation, whereby it appears, (C) That the free and quick trade of thoſe Staple Commodities, hath been much obſtructed, the River made dangerous, and in many places almoſt Un-navigable, and encreaſe of ſhipping, ſo conſiderable a Nurcery of Martiners greatly ruined, and Navigation too much diſcouraged; for remedy herein.

(D) Be it Enacted, Declared, and Ordained by this preſent Parliament, and by the Authority thereof, That all former Powers, Priviledges, and Grants made, and granted to the Town and Corporation of *Newcaſtle*, or to any other perſon or perſons whatſoever for the conſervancy of the River of *Tyne*, be, and are hereby repealed, made void, and null, and the Committee of the Admiralty by Authority of Parliament, or any five of them, be, and are hereby Authorized and required to nominate and appoint fit and able perſons, as well of the Counties of *Northumberland* and *Durham*, Seacoaſt, and Port of *London*, as of the Town and Corporation of *Newcaſtle*, to have the charge of, and to be Con-

ſervators of the River of *Tyne*, and to inveſt, and impower the ſaid perſons, with all priviledges and power neceſſary, to enable them for the better, and more effectual carrying on, and performance of the ſaid ſervice.

(E) And the ſaid Commiſſioners are hereby further Impowred, and Enable from time to time, to give, and preſcribe unto the ſaid Conſervators, Rules, and Inſtructions for to obſerve and purſue, and to require obedience thereunto, and to receive and examine complaints, and to hear Witneſſes upon Oath (which Oath they the Commiſſioners or any three of them are hereby enabled to adminiſter) and to puniſh offenders by reaſonable fine, and puniſhment by impriſonment, and to diſplace, and to remove Conſervators upon juſt and reaſonable cauſe, and to leſſen, or adde to their number as they ſhall ſee cauſe, and to direct and order all other matters requiſite, and neceſſary for the conſervancy of ſo famous and commodious a River, and for preventing of all ſuch damages, miſchiefs, and newſances as may hurt or ruine the ſame, and to ſettle a ſtipend upon the ſaid Conſervators, and to direct the ſame, and other neceſſaries, and incident charges to be allowed, and iſſue out of the profits of the ſaid River.

(F) And be it further Enacted and Ordained that ſufficient and well fenced Ballaſt ſhoars, Keys, and Steaths be built and erected either at *Shields*, or ſuch other convenient place, as the ſaid Conſervators, or the major part of them ſhall think fitting; And the ſaid Conſervators are Authorized and required to uſe and direct all good wayes and means according to ſuch powers and directions as they ſhall from time to time receive from the ſaid Commiſſioners of the Admiralty to prevent and remedy all damages that may happen by loſſe of ſhips, and mens lives at Sea, by caſting their Ballaſt over-board, or into the River, at unſeaſonable times, or unfitting places, or from the Ballaſt-ſhoars, being careleſſy kept through great winds, rains, or other caſualties waſhing down the Ballaſt, and that from henceforth, no Maſters of any ſhips, or other veſſels, be conſtrained to go up the River, and to heave out their Ballaſt at the ſhoars be-

belonging to the Town of *Newcaſtle*, or be hindred to load Coals, or diſcharge their Ballaſt, where they may with moſt conveniency and ſafety perform it, as well to the Road-ſteads it ſelf, as to their ſhipping.

(G) And further, that all Maſters of ſhips, trading to the ſaid River of *Tyne*, have hereby liberty and power to make uſe within the ſaid River of what Ship-Carpenter, or Ship-Wright, or other Artificers or perſons they pleaſe, and find fitteſt for their own conveniency in times of diſtreſſe and neceſſity.

(H) And of what able Sea-men they ſhall think fit for Pilots.

(I) And have hereby liberty to buy, or take in at any place of the ſaid Port or River, Bread, and Beer, and other neceſſaries for their own ſpending and victualling.

(K) And that all Goods and Proviſions which come in by Sea, for the uſe of the Salt-works, Colleries, and other buildings, at, or near the *Shields*, may be delivered at the *Shields*, courſe being taken for paying and ſatisfying all duties payable for the ſaid goods and proviſions.

(L) And all perſons, who are willing, are hereby encouraged, and have liberty to build ſhips and veſſels on the ſaid River, for the encreaſe of Trade and Navigation.

(M) And that all this be done without any Fine, Impriſonment, Confiſcation, or other moleſtation of any perſon, veſſell, or goods, for, or in reference to any of the Princes, any Law, Uſage, Practice, Cuſtome, Priviledge, Grant, Charter, or other pretence whatſoever to the contrary notwithſtanding; Provided alwayes,

(N) And it is hereby Enacted, that no Ship, or Veſſell whatſoever, that ſhall bring in any kind of Merchandize or Grain for the proper uſe of the Town of *Newcaſtle*, uſually coming to the ſaid Town of *Newcaſtle*, and places adjacent beyond, ſhall deliver, or land the ſame, or any part thereof, at any other place within the ſaid Harbour or Port, but at the ſaid Town, or as near to it as formerly have been accuſtomed.

(O) And to the end ſo uſeful a Commodity as that of

Sea-Coal, wherein the poor of this Commonwealth are so principally concerned, may come cheaper to the Market; and that Coal-owners may not be in a worse condition then the rest of the free people of this Nation.

Be it Enacted and Ordained, That the said Coal-owners in the respective Counties adjacent to that River, may, and have hereby liberty to let Leases of their Coal-pits, and to sell their Coals to whom they please, as well to ships, as else-where for benefit of the publick, though they be not free of that Corporation of *Newcastle*, due course being taken for securing, paying, and satisfying to the State all duties payable thereupon.

And be it further Enacted, That *North-Shields* in the County of *Northumberland* be made a Market-Town two dayes in the week to be holden, on Munday and Thursday, for the relief of the Country, the Garrison of *Tynmouth* Castle, the great confluence of people, and fleets of ships, and that the Commissioners of the Great Seal, be hereby Authorized to issue out such powers as are requisite, and usually done to other Markets in the Commonwealth.

This is the Copy of what was to have passed after debate, if the late Parliament, had continued, &c. appointed to be drawn up by Order.

Having given a short Relation of the sad Events by Charters, and acted by subjects, I shall now trouble your eye and ear to hear what Kings have done to these poor Northern people formerly. Therefore now deliverance is expected, &c. leaving it to the judgement of the Reader to judge whether it be not time, &c. *viz.*

The *Danes* laid claim to the Crown of *England*, the Kings laid claim to the peoples Lives; and Corporations to their estates, (what was free?) Judge what reason *England* hath to submit to those Illegal Charter-laws, invented by a Prerogative, whose usurpation was not to be owned, as by the sequell appears; King *Harrold* who assumed the Crown of *England* to himself, lead an Army to battell in *Sussex*, where

where *William* the Conqueror, Baſtard Earl of *Normandy* met him, having the aſſiſtance of the Earle of *Flanders*, by reaſon he was promiſed a good part of *England* if he Conquered it, at which place King *Harrold* was killed, and ſixty ſeven thouſand nine hundred ſeventy four Engliſh-men, In the year 1060. at which time he conſumed many Towns, ſubduing where ever he came, except *Kent*, who contracted to hold their land in Gavel-kind, all *England* elſe being over-come by this ſaid Stranger, &c.

When the *Normans* ruled *England*, the Laws were in that Tongue, but they being extinguiſhed, we find the benefit of our Laws in our own Tongue, and doubts not but to be reſtored to our ancient right; for ſo long as Monarchs were Rulers, Monopolies were in force, but now ſuch power being thrown out of doors, and being become a Civill free State under the Government of our own Free-born; Choſen, according to the Command of God, as *Deut.* 17. 14, 15. by which Monopolizers dare not aſſume to petition for a revival of ſuch their Illegal grants, being found to be the greateſt of evills in a Commonwealth.

All Kings were ſworn that Juſtice ſhould neither be bought nor ſold, nor any hindred from it; to ordain good Laws, and withſtand all Rapines, and falſe Judgements.

Charters are no other than Commiſſions, Impowring perſons uncapable of the Laws, to be Judges and Juſtices in every reſpective Corporation, which Charter and Commiſſion is ſold, and the members thereof are Judges in their own cauſes. So Juſtice is both bought, and ſold, beſides breach of Oath, neither can a Foreigner obtain any right, if it be againſt the ſaid Corporation, ſo that it is right in theſe Judges judgement to do wrong.

I ſhall give you a ſhort Relation of the Miſeries, the County of Northumberland *hath taſted of to this day from* William *the Conqueror, and what little need there is* Newcaſtle *ſhould ſo Tyrannize over them, &c.*

William the Conqueror having killed many, and deſtroyed the land, and brought under his ſubjection, the people, cauſed ſuch who did oppoſe his forces, at *Ely*, to have their legs and hands cut off, and their eyes put out, and then gave liberally to all his *Norman* race, Earldoms, Baronies, Biſhopricks Honours, Mannors, Dignities, and Farms, all being got by the ſword; Upon his Diviſions, &c. the Earle of *Flanders* ſent to know what part he ſhould have for aſſiſting him, who ſent him word nothing at all, by reaſon all was but little enough for himſelf; Then he gave to his Son *Robert Cuming* the Earldome of *Northumberland*, who in poſſeſſing of it, acted ſuch cruelty with his Army, which came againſt *Malcolm* King of the Scots. The ſaid *Robert* built the Caſtle called the *Newcaſtle* upon the River of *Tyne* in the County of *Northumberland*, about which was built the Town called *Newcaſtle*, the Town taking its name from the *Newcaſtle*, and not the Caſtle from the Town, the ſaid *Northumberland* being ſo oppreſſed, that they fell upon *Robert* Son to the Conqueror, killed him, and his whole Army; Upon which *William* the Conqueror ſent another Army, who had command to kill both men, women, and children, who did it, and waſted the whole County, that for nine yeers there was not any food to be got: And ſuch who had hid themſelves in Coal-pits, and other places, were conſtrained to eat Dogs and Cats, dead Horſes, and mens fleſh, and many of them ſtarved to death, all which nine years time not any ground tilled.

Northumberland being recruted, and moſt ſhamefully abuſed by the Biſhop of *Durham*, who killed *Leviſus*, was killed by them, for which *William* the Conqueror ſent down

Odo

Olo, with an Army, who totally laid *Northumberland* to waſte, cut off the heads of all the people after they had diſmembred them.

Little of Confeſſion or Repentance was by King *John*, as was by *William* the Conqueror, for he upon his Arreſt at the Suit of Death, confeſſed he had committed many outrages, and won *England* by the Sword, and not by Inheritance, and was heartily ſorry for the wrongs he had done, and required his body to be buried at *Cain* in *Normandy*, when he was dead, they would not affoard him a burial-place till ſuch time as one of his relation was conſtrained to purchaſe ſo much ground, but ſoon after they defaced his Tomb, took up his bones, and brake them, and caſt them away.

In the fifteenth year of King *Richard* the ſecond, the Scots burnt all the Towns of *Northumberland*, and the North, as far as *York*, except *Rippon*, who redeemed themſelves with a ſum of mony.

In the ſixth year of King *Edward* the third, 1332. a great Battel was fought between the Engliſh and the Scots near *Barwick*, where was killed eight Earls, fifteen hundred Horſe, and thirty five thouſand Foot.

In the thirteenth year of King *Edward* the third, 1339. An inundation of water ſurmounted the Wall of *Newcaſtle*, and broke down ſix pearches in length and drowned one hundred and ſixty perſons neer the Wark Knowl.

In the year 1345. *William Douglas* lead into *Northumberland* above thirty thouſand Scots, and fired many Towns, but was overcome by a ſtratagem with Biſhop *Ogle*.

The next year 1346. King *David*, King of the Scots, entred *Northumberland* with a great Army, and fought at *Nevils-Croſſe*, where he was overthrown, himſelf taken priſoner by one *Copland* of *Northumberland*, who had five hundred pound *per Annum* given to him, and to his heirs for ever.

In King *Richard* the ſeconds dayes 1379. the Scots entred *England*, and killed all men, women and children in the North parts notwithſtanding the plague was ſorely amongſt them.

1383. The Scots entred *England*, and lead all the people away priſoners that were in *Northumberland*, and laid that County to waſte.

1384. They entred again, and did the like.

1389. The Scots again invaded *England*, where a great battel was fought at *Otterborn* in *Northumberland*, where they were over-thrown, and eleven hundred killed, and thirty thouſand put to flight) who upon their flight killed men, women, and ſucking babes, and filled houſes with people, two hundred in a houſe, and then ſhut the doors, and fired the houſes.

1399. King *Richard* the ſecond, cauſed ſeventeen Counties to be indicted, pretending they were all againſt him; with the Duke of *Gloceſter*, *Arundel*, and *Warwick*, and commanded them all to give it under their hands, and ſeals, that they were Traytors, though indeed they never were: And then he makes them pay ſome a thouſand pound, ſome more, ſome leſſe.

King *Henry* the fourth; Great fights were between *Douglas* and *Piercy* in the North.

And in the years 1639. and 1643. and 1648. It being well known to all, the miſery they brought upon the North, and heavy Impoſitions both upon the North and South parts, as appears in the cloſe of the Epiſtle to the Reader, &c.

It is no ſmall mercy that we now live ſo in peace, here being none of thoſe bloody times, and our Anceſtors would willingly have enjoyed this mercy, and we hunger after blood which they wallowed in, what bloody minded men are theſe? I wiſh them in better minds, and to be contented with that which in former times could not be obtained.

Many have admired the poverty of *Northumberland*, as well they may, for what with the bloody Tyrants, the Scots on the North of that poor County, and oppreſſive Corporation of *Newcaſtle* on the South thereof, bounded in with the High-lands on the Weſt, and the Sea on the Eaſt, that it can get nothing but ſtroaks, and worried out of what

they

they have, and not being tollerated to make uſe of their own, and cold blaſts from the Sea; but it would be otherwiſe if ſuch Gentlemen might be re-imburſed for ſuch ſums of money as they would expend to vend Coals out of *Hartly*, *Blithe*, and *Bedlington* Rivers, which be convenient places to vend them at, after ſome charge, which would be done, by having either their money again, or Cuſtome free, for ſome years to re-imburſe them, which would not onely make that poor County as rich as any is, but reduce the exceſſive rates of Coals and Salt, and bring in many thouſands *per Annum* into the publick revenew, &c. enable the people to be ſerviceable, and abundantly increaſe Trade and Navigation, as alſo there being as good Coals as poſſibly can be burnt, which now lyes, &c. and others not knowing their right is ſtript of it.

But if one thing they look after, which is to examine ſome Records, they may perceive what is their Rights, and which was, eſpecially in a book lodged in the Exchequor, made in the year 1080. it being called *Domus Dei*, or *Dooms day*, being a perfect Survey of all the Lands in *England*, the Rent, Value, Quantity, &c. by which *William* the Conqueror taxed the whole Nation, and it goeth by the name of the Role of *Winton*, being ordered to be kept in *Winchester*, and recites the Earldomes, Hundreds, Tythings, Woods, Parks, and Farms, in every Territory and Precinct, with Plowlands, Meadows, Marſhes, Acres, &c. what Tenements, and Tenants, then the Corporation of *Newcaſtle*, might be as glad to keep what is their own, as they are to take from others, &c.

CHAP. LVII.

THe reaſon of my Collecting theſe few Statutes is, to ſhew how they are intrenched upon by an illegal Charter, and preſſing upon a remedy ſhal, cite *Poulton*, which is, that ſeeing we have all received, and allow it for truth, that

the ignorance of the Law, doth excuſe none of offence; and alſo that the Law doth help the watchful, and not the ſloathful man.

Therefore it behoveth each perſon firſt to ſeek the knowledge of thoſe Laws, under which he doth live, and whereby he is to receive benefit, or to ſuſtain peril, and next with all induſtry to frame his obedience unto them, or humbly to ſubmit himſelf to the cenſure of them.

And though we find by experience that ſome men by the ſluggiſhneſſe of their natures, others by the careleſneſſe of their own welfares; And a third ſort wholly given over to pleaſures and vanities do little reſpect to know, and leſſe to obey our criminal and capital Laws, being things of great moment & importance, and therefore do oftentimes taſte the ſmart of them, and repent of their follies when it is too late.

Many there be that by reading, deſires to conceive them, others for increaſe of their knowledge, others in their actions, to be directed by them; therefore to content ſuch as knoweth not as yet, theſe heads that they may know what they condemn, and do tend to the breach of the peace of the Realm, and to the diſlike of all the good members thereof; and what puniſhments ſhe hath impoſed upon the Tranſgreſſors therein, and by whom, and in what manner to be inflicted eſpecially upon Murder, Robbery, Riots, Forgery, Perjury, Extortion, and Oppreſſion, in any of which caſes, any perſon maketh it his own cauſe, and doth in a ſort take it to be done to himſelf, and ought to reduce the Tranſgreſſor; Nay his Highneſſe by his Oath, and all people elſe are bound to puniſh them as being Tranſgreſſors of his Laws and diſquieters of the Peace, therefore ought to be rooted out, as the Husbandman the thiſtle from the good corn, and the Gardner his nettles from his ſweet flowers, wherefore ſeeing a guilty perſon in any of the offences aforeſaid is perſecuted in deed, or conſent by all, wiſhing well to the Weal-publick, or their own private eſtate.

It is requiſite that good men which eſchew to offend for the love of vertue, and evill men, which fear to offend for the dread of puniſhment, ſhould both know thoſe Laws, which

which they are to make uſe of, and the penalties which be threatned to the infringers thereof, to the intent the good man having a will to ſtand, may truſt to his feet, remain firm, and continue his integrity, and the evill man beginning to ſtagger, may bend his endeavour to ſtay and ſlide no further (this labour) being to the intent that the well-meaning man being made the better, and he or they that before were lewdly diſpoſed, the leſſe hurtful, may all at the laſt meet and joyn in ſeeking and furtherance of that peace which will be comfortable to the Lord Protector, and Nation, and pleaſing both to God and man.

Theſe Laws are preſervers of the peace, and layes heavy puniſhments, upon the withſtanders, or deniers thereof, they are his Highneſſe Privy Councellors inceſſantly, reſpecting the preſervation of his Perſon, and Dignity; they be as his Gentlemen Pentioners attending daily his preſence to do him all Honor and Service, being as the Yeomen of his Guard, waiting day and night to protect him, for his protecting the Nation and them, and from all forcible aſſaults, and other perils. Alſo they be as his great and goodly Ships, which hath purchaſed Freedome on the Seas, and now lyes hovering up and down as his Caſtles, and ſtrong Forts of defence as wel as they which ſtand upon the land, wherewith he doth prevent foreign Hoſtility, repreſſe inward tumults, & ſo keep himſelf and the people in peace and ſafety: Likewiſe as his Judges, Juſtices, Sheriffs, Conſtables, and other Officers, watching every hour and moment, in all Shires and Counties, places, and corners of the Nation, to repreſſe outrages, and to maintain peace.

To maintain theſe Laws, every good member hath the like benefit as himſelf hath, for in fear of them, every perſon doth enjoy his life and limbs in peace, and is defended from the bloody-minded Murderer, and Man-queller, and the rage of the furious Quarreller and Fighter, and in fear of them, the houſe-keeper reſteth in peace with his wife and family under his own roof, the terror hereof doth often reſtrain godleſſe people from committing perjuries, frauds, and deceits, and impudent and ſhameleſſe men to wreſt

fro m others by Bribery, Extortion or Oppreſſion.

And divers there be who neither by the Laws of God, of Nature, or Reaſon, will be bridled and reduced to vertue, yet by the penalties, and fear of our Capital and Criminal Laws, do yeeld to be curbed.

And we ſhould now obſerve with what care our Fore-fathers had from one Age to another, and what Ordinances they eſtabliſhed in Parliament, that ſeveral Penal, Criminal and Capital Laws and Statutes, ſhould be read, or proclaimed in Churches, in Fairs, in Markets, at the General Aſſizes, and Quarter-Seſſions of every County, at Leets and Law-dayes, and in every Inns of Court, and Chancery, and how the ſame is continued and put in practice, to the intent that the ſame Laws, and the penalties thereof, ſhould be heard, learned, known, and underſtood by all ſorts of perſons, willing to perceive, and apprehend the ſame.

Charter-Law is not ſo, but like the foul Spirit in the Air, ſtill ranging, never at reſt, nor will let others take any, never ſeen, but heard in every corner, ſtriking at the pure Law, to advance it ſelf, it forces people to a kind of an Order in a Town, and the whole Nation to a diſorder.

The chiefeſt reaſon, why I give a recital of the Penal-Laws, is, that the ignorant may ſee how well they are provided for, and not to be left blind, and only being inſtructed by the Extortioner himſelf, what they muſt pay for Fees, &c. (but that they may know themſelves) and to remedy themſelves when offended, for ſuch Oppreſſors would diſcover no more, for ſafety of their purſes, or bodies, then care was taken formerly for others ſouls, when it was ordained that the Bibles ſhould be in Latine, and not in Engliſh, as appears by Statute the 34. of *Henry* 8. ſeveral perſons reſtrained from reading the Bible in Engliſh, &c. to keep them in ignorance, &c.

CHAP.

CHAP. LVIII.

The Oath of an Attorney at Law.

(A) YOu ſhall do no Falſhood, nor conſent to any to be done in the Court, and if you know of any to be done, you ſhall give knowledge thereof unto my Lord Chief Juſtice, or other his brethren, that it may be reformed; You ſhall delay no man for lucre or malice; You ſhall increaſe no Fees, but ſhall be contented with the old Fees, accuſtomed; You ſhall plead no foreign Plea, nor ſuffer no foreign Suits unlawfully, to hurt any man, but ſuch as ſhall ſtand with order of the Law, and your Conſcience; You ſhall ſeal all ſuch Proſes as you ſhall ſue out of the Court with the Seal thereof, and ſo the Kings Majeſty, and my Lord Chief Juſtice diſcharge for the ſame; Yee ſhall not wittingly, nor willingly Sue, nor procure to be ſued any falſe Suits, nor give aid, nor conſent to the ſame, in pain to be expulſed from the Court for ever. And furthermore; You ſhall uſe your ſelf in the Office of an Attorney within the Court according to your learning and diſcretion. *So help you God.* See *Stat.* 3. K. *James* 7.

The Oath of an Under-Sheriffe, Bayliffe of Franchiſes, Deputies, and Clerks of Sheriffes, and Under-Sheriffes. Stat. 27. *Eliz.* 12.

(B) I (A.B.) ſhall not uſe or exerciſe the Office of Under-Sheriffe corruptly during the time, I ſhall remain therein.

Neither ſhall or will except; rejoyce, or take by any colour, means, or device whatſoever. Or conſent to the taking of any manner of Fee or Reward of any manner of perſon or perſons for the impanielling or returning of any Inqueſt Jury, or Tales in any Court of Record, for the Queen * or between party and party above two ſhillings, or the value thereof, or ſuch Fees as are allowed and appointed

pointed for the ſame by the Lawes and Statutes of this Realm.

But will according to my power, truly and indifferently with convenient ſpeed, impanel all Jurors, and return all ſuch Writ or Writs *, touching the ſame, as ſhall appertain to be done by my duty or Office during the time I ſhall remain in the ſaid Office, *So help me God, and by the Contents of this Book.*

The reaſon I write theſe Oaths is, that perjury may the better appear to be puniſhed in Officers as well as others.

The Oath of a Jury.

(C) You ſhall truly enquire, and due preſentment make, of all ſuch things as you are charged withall, on the Lord Protectors behalf, the Lord Protectors Council, your own, and your fellows, you ſhall well and truly keep, and in all other things the truth preſent. *So help you God, &c.*

The Oath of thoſe that give evidence to a Jury upon an Indictment.

(D) The Evidence you ſhall give to the enqueſt upon this Bill, ſhall be the truth, the whole Truth, and nothing but the truth; and you ſhall not let ſo to do for malice, hatred or evil will; nor for meed, dread, favor, or affection. *So help you God, and the holy Contents of this Book.*

CHAP. LIX.

King Charls *his Oath at his Coronation, with his hand upon the Bible at the Altar.*

(A) SIR, Will you grant and keep, and by your Oath confirm to the people of *England* their Lawes and Cuſtoms to them granted by the Kings of *England*, your lawfull and Religious Predeceſſors, and namely, the Laws, Cuſtomes and Franchizes granted to the Clergy and to the people by the King St. *Edward* your predeceſſor, according, and conformable to the Laws of God, and profeſſion

feſſion of the Goſpel eſtabliſhed in this Kingdom, and agreeing to the Prerogatives of the Kings thereof, and to the antient Cuſtoms of this Realm?

Reſponſ. *I grant, and promiſe to keep.*

SIR, Will you keep peace and agreement intirely according to your power, both to God, the holy Church, the Clergy, and the people?

Reſponſ. *I will keep it.*

SIR, Will you to your power, cauſe Law, Juſtice and Mercy, in diſcretion and truth, to be executed in all your Judgements?

Reſpon. *I will.*

SIR, Will you grant to hold and keep the Laws, and rightfull Cuſtoms *, which the Commonalty of your Kingdom have, and to defend and uphold them to the honor of God, ſo much as in you lieth?

Reſponſ. *I grant and promiſe ſo to do, and ſhall obſerve and keep. So God me help and the Contents of this book.*

King Johns *Oath and fealty to the Pope* Innocentius, *An. Dom.* 1213.

(B) JOhn by the Grace of God, King of *England*, *France* and *Ireland*, from this hour forward ſhall be faithful to God * and to St. *Peter*, and to the Church of *Rome*, and to my Lord Pope *Innocentius* and to his Succeſſors lawfully entering, I ſhall not be in word and deed, in conſent or counſel, that they ſhould looſe Life or Member, or be apprehended in evill manner; their loſs if I may know it, I ſhall impeach and ſtay ſo far as I ſhall be able, or elſe ſo ſhortly as I can, I ſhall ſignifie unto them and declare the ſame unto you the Councill, which they ſhall commit unto me, by themſelves, their Meſſengers, and their Letters; I ſhall keep ſecretly and not utter to any man to their hurt to my knowledge, the Patrimony of St. *Peter*, and eſpecially the Kingdom of *England* and *Ireland*. And I ſhall endeavor my ſelf to defend againſt all men to my power. So help me God, and the holy Evangeliſt, *Amen*. See

* It was time.

his reassignation of the Liberties after this Oath to the Barons of the Liberties of *England* in ch. 1. (K)

CHAP. LX.

The Oath of a Mayor of a Corporation.

(A) YOu shall swear that you well and truly shall serve the Keepers of the Liberties of *England* by authority of Parliament, and the Commonwealth in the Office of a Mayor, and as Mayor of this Town and Borough of *Newcastle*, for and during the space of one whole year now next coming; and you shall minister equal Justice as well to the poor as rich *, to the best of your cunning, wit and power, and you shall procure such things to be done as may honestly and justly be to the profit and commodity of the Corporation of this Town. And also shall indeavor your self to the utmost of your power to see all Heresies, Treasons, Felonies, and all other Trespasses, Misdemeanors *, and Offences whatsoever to be committed * within this Town and Borough, during the time of your Office to be represt, reformed and amended *, and the Offenders duly punished according to the Law *. And finally, you shall support, uphold and maintain the Commonwealth, within this Town prescribed, Customs, Rights, Liberties, Jurisdictions, Franchizes, Compositions and all lawful Ordinances of this Town and Borough *. And as concerning all other things appertaining to your Office, you shall therein faithfully, and uprightly behave your selfe for the most quietness *, benefit, worship, honesty, and credit of this Town, and of the Inhabitants thereof. *So help you God.*

The Oath of Burgesses of Corporation.

(B) YOu shall swear that you well and truly shall serve the Keepers of the Liberties of *England* by authority of Parliament, and the Inhabitants of this Town, and Borough

Borough of this Town, as one of the Burgeſſes of this Town, and ſhall miniſter equall Juſtice to poor and rich, after the beſt of your cunning, wit, and power. And alſo ſhall well and truly obſerve, perform, fulfill and keep all ſuch good Orders, Rules and Compoſitions as are or ſhall be made, ordered, or eſtabliſhed by the Common-Council of this Town, for the good Government thereof, in all things to you appertaining. And you ſhall not utter or diſcloſe any counſel, or ſecret thing, or matter touching the Fellowſhip or Corporation of this Town, whereby any prejudice, loſs, hinderance, or ſlander, ſhall or may ariſe, grow or be to the ſame Corporation: But you ſhall in things belonging to the Fellowſhip or Corporation of this Town, faithfully, honeſtly *, and indifferently behave your ſelf for the moſt benefit, and honeſty of this Town and the Inhabitants thereof. *So help you God.*

The ſame Oath is for the Aldermen.

Where the Stars are in the Lines there will appear breaches.

CHAP. LXI.

The Oath of a Sheriff.

(A) YOu ſhall ſwear that you ſhall well and truly ſerve the Keepers of the Liberties of *England* by authority of Parliament in the Office of a Sheriff of the County of *N.* And do the Keepers of the Liberties of *England* profits in all that belongeth you to do by way of your Office, as far forth as you may or can.

Yee ſhall truely keep the Keepers, *&c.* and all that belongeth to them. Ye ſhall not aſſent to decreaſe, to leſſen, nor to concealment, of any of their Rights or Franchizes, and whenſoever yee ſhall have knowledge that their Rights be concealed or withdrawn, be it in Lands, Rents, Franchi-

zes, or Suits, or any other thing; ye shall do your true power to make them be restored to them again; And if ye may not do it, ye shall certifie them thereof, such as you know for certain will say unto them, ye shall not respect their debts for any gift or favour, when ye may raise them without grievance to the Debtor. Ye shall truly and righteously treat the people of your Sheriffwick, and do right well to poor as to rich, in all that belongs to your Office.

Ye shall do no wrong to any man for any gift or other beheſt, or promise of goods, for favour nor hate, ye shall disturb no mans right, ye shall acquit at the Exchequer all those of whom ye shall any thing receive of the Keepers, &c. debts; ye shall nothing take whereby the Keepers &c. may loose, or that Right may be letten or disturbed, or the Keepers, &c. debt delaid. Ye shall truly receive, and truly serve the Keepers, &c. Writs as far forth as it shall be in your cunning; ye shall not have to be your Under-Sheriff, any of the Sheriffs Clerks of the last years passed; ye shall take no Bayliff into your service but such as you will answer for; ye shall make each of your Bailiffs make such Oath as you make your self in that that belongeth to their occupation; ye shall receive no Writs by you nor any of yours unsealed, nor any sealed under the seal of any Justice, save of Justices of Eyre, or Justices assigned in the same Shire, where you be Sheriff in, or other Justices having power or authority to make any Writs unto you by the Law of the Land.

You shall make your Bayliffs of the true and sufficient men in the Country; ye shall be dwelling in your own proper person within your Bayliwick for the time; you shall be in the same Office except you shall be licenced by the Keepers, &c. you shall not let your Sheriffwick, nor any Bayliwick thereof to farm to any man; ye shall truly set and return reasonable and due luses of them that be within your Bayliwick after their estate and behavior, and make your pannel your self of such persons as be most meet, most sufficient, and not suspect nor procured, as it is ordained in the Statute, and over this in eschewing and restraining of the Robberies, Manslaughters, and other manifold grie-

vous

vous offences, that be done daily by such as name themselves Souldiers, and by other Vagrants, by which increase in multitude and number, so that the good people may not safely ride nor go to do such things as they have to do, to their intollerable hurt and hinderance; Ye shall truly and effectually with all diligence possible, to your power execute the Statute of *Winchester* for Vaggabonds. All these things ye shall well and truly observe and keep. *So help you God.*

It is the judgement of learned Councel, that Sheriffs may be indicted for perjury by wilful neglect of their duty, as other persons wilfully or procuringly perjures themselves, *&c.*

8

King Henry the 3. Was Crouned at the age of 9 Iere the 28 october 1216 he Raigned 56 Iers and 20 daias. dyed the 16 of nouember 1272 tyeth buried at Westminſter.

None to be condemned but by the judgement of the Law.

Stat. ninth year of his Reign, chap. 29. in Parliament, enacts, that no Free-man ſhall be taken or impriſoned or be diſſeazed of his Free-hold, Liberties; or free Cuſtoms, or paſs upon him or condemn him but by lawful Judge-

ment

ment of his Equals, or by the Law of the Land; we will not ſell to no man, we will not defer to any man either Juſtice or Right. *Reg. fo.* 186. *Coke Pla.* 456. *Dyer fo.* 104. *Coke lib.*5.*fo.*64. *lib.*10.*fo.*74. *lib.*11.*fo.*99. *Stat.* 2. *Edw.* 3.8.5. *Edw.*3.9. 14.*Edw.*3.14. 28.*Edw.*3.3. 11.*Rich.*2.10. 3.*Carol. Pet. of Right.* See ch. 38. (A.C.)

Bakers and Brewers, faulty, to be puniſhed.

Stat. 51. year of his reign 1266 Enacts, That if any Baker or Brewer be convict, becauſe he hath not obſerved the Aſſize of Bread, and Ale, for the firſt, ſecond and third time he ſhall be amerced according to his offence, but if he amend not, then to ſuffer puniſhment of body, the Baker to the Pillory, and Brewer to the Tumbrel, which ſhall not be remitted for Gold nor Silver; and Impowres Ale Cunners in every Town, &c. every Baker to ſet his own mark on his Bread. See ch. 49. (C)

King

HENRY the 4. borne at Bollingbroke in the Countie of Lincolne. began his Raigne the 20. of September. 1399. Raigned 13. yeares & 6. moneths & died in Ann D: 1413. Of the age of 40 yeares. buried at Canterbury.

Justice shall be done in England.

STat. first year of his Reign Chapter the first, Enacts the confirmation of the Liberties of *England*, and all Statutes not repealed, Peace shall be maintained, and Justice shall be done to all men.

Sheriffs

Sheriffes shall not let their County to Farm.

Stat. the fourth year of his Reign Chapter the fifth, Enacted that every Sheriff in *England* shall abide in proper person within his Bayliwick for the time he shall be such Officer; And that he shall not let his Bayliwick to Farm to any man for the time that he occupieth such Office, and that the said Sheriffe be sworn from time to time to do the same in special, amongst other Articles comprized in the Oath of Sheriffs. *Stat.*23.*Hen.*6.10.

King Henry *the Fifth.*

14

Henry the 5. began his Raigne. the 20. of March. Was Crouned At Westminster. the 9 of Aprill. 1413. He Raigned 9 Yeares. 2. months. died in the castle of Boyes. nere paris. the 13 of August 1422. buried at Westminster.

Coals to pay two pence per Chaldron Custome, and Keels to be measured.

(A) STat. the ninth year of his Reign, Chap. 9. 10. It was Enacted the King should have two pence of every Chalder of Coals of Unfranchized men, in the River and Port at *Newcastle* upon *Tyne*, as Customes; And for the better knowledge of such Customes, ordains that all Keels or Boats, which carried Coals to ships should be of the just burden of twenty Chaldron of Coals, notwithstanding this Act, the *Newcastle* men made the Keels to carry some two, and some three and twenty to wrong the King of his Customes, which great Cheat was proved in Parliament, where they Enacted to prevent such like, for the future that sworn Commissioners should mark all Keels and other Vessels carrying Coals to ships upon pain of forfeiture, of Keel and Coals. See Chap. 9. (A) 11. Chap. (I)

Henry the 6 of the age of 8 moneths Began his Raigne the 1 of September 1422 Crowned at Westminster the 6 of November 1429 Afterward Crowned at Paris 7 September 1431 Raigned 38 yeares 6 moneths 4 dayes Buried at Windsore.

Punishments of Customers for not clearing Ships.

(A) STat. the eleventh year of his Reign, Chap. 15. Enacted, That for as much as the Customers and Controlers in the Kings Ports, do not write any Warrants in

diſcharge of Merchants of their Merchandizes by them ſhewed, and duely cuſtomed, Tranſported, or Imported, the ſame Cuſtomers, and Controlers do imbezel the Kings Cuſtomes, & the Merchants be greatly hindred, becauſe that the Warrants might plainly ſhew, and declare their due cuſtome when they be often and unduly impeached in the Kings Exchequor in conſideration of the ſaid deceits, it was Enacted that the ſaid Cuſtomers, and Controlers ſhall write, and deliver ſufficient Warrants ſealed with the Seal of their Office, to that end ordained, to the ſaid Merchants not anything to begiven for the ſame, but their due Cuſtome; And that in caſe any Cuſtomer or Controler do the contrary, then the Merchant may have an action by vertue of this Ordinance to purſue every Cuſtomer or Controler that doth the contrary in every Court of Record, and being thereof attainted ſhall forfeit to the King for every default ten pounds, and to the Merchant grieved that ſueth, five pound. 11. *Hen.* 6. 15.) See Chap. 45. (E.)

The great danger occaſioned by ſmall Riots.

(B) In the 37. year of his Reign, began ſuch Riots, Routs, and unlawful Aſſemblies, that it produced a worſe effect then in King *Richard* the ſeconds dayes, which was occaſioned between a Yeoman of the Guard, and a Servingman of the Earle of *Warwick*, which ſo far increaſed, not being timely prevented, that it proved the root of many a woful Tragedy; brought to death the Duke of *York*, who was proclaimed Succeſſor to the Crown, the King, Prince *Edward* his Son, all, or moſt of the Peers of the land deſtroyed by ſidings, and at leaſt ſix and thirty thouſand of the common people cut off at one battel at *Toughton* in *Yorkſhire*, the King, Queen, and Prince put to flight to *Barwick*. See *Richard* the ſecond, what was done. See Chapter 37. (A.) 3. *Hen.* 6. See *Rich.* 2. (E.)

Sheriffs Fees, none of his Officers ſhall be returned upon Inqueſts, letting to Bayl, &c.

(C) *Stat.* 23. *Hen.* the ſixth, Chapter 10. The King conſidering the great Perjury, Extortion, and Oppreſſion,

on, which be, and have been in his Realm by his Sheriffes, Under-Sheriffs, and their Clerks, Coroners, Stewards of Franchizes, Bayliffs, and keepers of prisons, and other Officers in divers Counties of this Realm, have ordained by the Authority aforesaid in eschewing of all such Perjury, Extortion, and Oppression; and that because the Sheriffe of every County, is a great and necessary Officer in the Commonwealth, and used as a special instrument to the furtherance of Justice in all Suits pursued at the Common-Law, and his service is imployed in the beginning, prosecuting, and ending of the most of them, therefore as the Law hath alwayes had a special regard of him, and foreseen that he shall be a man of wisdome, of worth, of credit, countenance and ability (this is not *William Fenwick* of *North-Riding* in *Northumberland*, for he derogates from them all) and that he shall be allowed a convenient stipend, and sallary for his pains in most cases; so doth she carry a vigilent and watchful eye upon him, and his inferiour Officers, or Substitutes, knowing what grievous Oppressions might ensue, if she should leave a man of his Authority, and necessary imployment at liberty, to dive at his pleasure into other mens purse, and to take what he would (as *William Fenwick* doth) therefore she hath restrained him, his Under-Sheriff, Bayliffe of Franchizes, and other Bayliffes (most of which are forsworn) within certain Lists, and assigned them what they shall take for Arrests, Attachments, Mainprizes, letting to Bail, and serving of Executions, which if any of them do exceed, he shall forfeit forty pound a time, and shall be adjudged an extortioner, in which said Statute it is Enacted, that no Sheriffe, Under-Sheriffe, or any Bayliffe, by occasion, or under colour of his Office shall take any other thing by themselves, or any other person to their use, or to their profit of any person by any of them Arrested or Attached, nor of any other for them, for the omitting of any Arrest or Attachment to be made by their bodies, or of any person by any of them by force or colour of their Office, Arrested or Attached for Fine, Fee, Mainprize, letting to Bail, or for shewing any ease or favour to any such person so

Arreſted for their reward or profit, but ſuch as follows; the Sheriffe twenty pence; the Bayliffe, which maketh the Arreſt or Attachment four pence, the Gaoler if the priſoner be committed to his Ward four pence; for making of a Return or Paniel, and for the copy of a Paniel four pence; no Bond to be made by them under colour of their Office, but onely to themſelves, for the appearance of any priſoner at the day preſcribed, and what Bond is otherwiſe is void; and he ſhall take no more for making ſuch Obligation, Warrant, or Precept by him to be made but four pence; And all Sheriffes, Under-Sheriffes, Clerks, Bayliffes, Gaolers, Coroners, Stewards, Bayliffes of Franchizes, or any other Officer or Miniſters, which doth contrary to the aforeſaid Ordinances in any point of the ſame, ſhall loſe to the party in this behalf endamaged or grieved, his treble damages, and ſhall forfeit forty pounds, at every time that any do the contrary in any point of the ſame, whereof the King ſhall have the one half, to be imployed only to the uſe of his houſe, and the other to the party that will ſue for the ſame, by Bill, Plaint, &c.

I ſhall lay open the exceſſive Fees extorted by the Sheriffs of Northumberland *againſt the Law*, viz.

Return *a tales*	6 *s.*	
For allowance of a pony	9 *s.*	2 *d.*
For allowance of a Writ, falſe judgement	16 *s.*	6 *d.*
Upon Execution granting out	15 *s.*	
And all upon the Defendant after Execution	1 *l.* 11 *s.*	6 *d.*
For breaking open an original Proces	2 *s.*	6 *d.*
For the Warrant thereof		6 *d.*
Bayliffs for the Arreſt from the Plaintiff	1 *s.*	
From the party Arreſted	1 *s.*	8 *d.*
To file Bayl above and taking the Declaration	8 *s.*	

This is coſtly Law.

This Juſtice is both bought and ſold, &c.

A Bill of Indictment before a Judge would reduce theſe, &c.

The

The Form of an Indictment for Sheriffs.

(D) *London ſſ.* The Jurors for the Lord Protector of the Commonwealth of *England*, *Scotland*, and *Ireland*, &c. Upon their Oaths, do preſent, That *John Butler* of *London* Sheriffe, the 20. day of *Auguſt* in the year of our Lord God, 1652. being then Sheriffe, and Keeper of the Priſon of the *Newgate* in *London* the day and year aforeſaid, did by force or colour of his ſaid Office, as Sheriffe and Keeper of the ſaid Priſon, unlawfully and extortionouſly exact and take of one *John Cuthberton*, then and there being arreſted and impriſoned in the ſaid Priſon under the cuſtody of the ſaid Sheriff, at the Suit of *John Roe*, the ſum of ſix ſhillings and eight pence, for the Fee of the ſaid Sheriffe, and Keeper, for the cuſtody of the ſaid *John* in the ſaid Priſon from the 20. day of the Month of *May* in the year aforeſaid, untill the 20. day of *Auguſt* then next following, to the great damage of the ſaid *John*, and to the evill example of others in the like caſe offending, and contrary to the Form of the Statute in ſuch caſe made and provided, and againſt the publick peace. See Cha. 58. (C) (D) (B) Stat. 23. *Hen.* 8. 3.

King

King Henry the Seventh.

19

Henry the 7. began his Raigne the 22. of June 1485. And was Crowned at westminster the 30. of octob: Hee Raigned 25. yeares and 8 monthes. and died the 22. of April. lieth buried at westminster.

STat. three of *Henry* the seventh Chapter 1. * It is Enacted if any Coroner be remisse, and maketh not Inquisition upon the view of the body dead, and certifie not according to his Office, It is ordained that he shall for every default forfeit five pounds. See Chapter 10. (O. P.) Chap. 48. 29. 49.

Stat.

Weights and Meaſures, &c.

Stat. 11. *Hen.* 7. chap 4. For as much as many grievances have been ſet forth unto this preſent Parlament of the great fraud and deceit in Meaſures & Weights, for remedy whereof it is ordained and enacted, that to the Knights and Citizens of every Shire and City, aſſembled in this preſent Parlament, Barons of the Five Ports, and certain Burgeſſes of Burrough Towns, ere they depart from this preſent Parlament be delivered one of every Weight and Meaſure which now is made of braſs for the good of the Subject, according to the Kings Standard of his Exchequer of Weights and Meaſures, and that they ſhall cauſe all common Weights and Meaſures to be as aboveſaid, and all ſuch as prove defective then ſuch weights and meaſures, ſhall be broken and burnt, and the party pay twenty ſhillings, and be ſet in the Pillory; the Quarter of Corn to be eight buſhels raiſed and ſtruck, and fourteen pound to the Stone of Wool, *&c.* and water meaſure to be five pecks on ſhip-board, according to the Standard, *&c.* See chap. 49. (C)

No Ordinance to be made by Corporations, &c.

By Act of Parlament 19. *Hen.* 7. 7. That Maſters, Wardens and people of Guilds, Fraternities and of other Companies Corporate, oftentimes by coulor of Rule and Governance to them granted by Charter, and Letters Pattents, made amongſt themſelves many unlawfull and unwarrantable Ordinances, as well in prizes of wages as other things, for their own ſingular profit, and to the common hurt and damage of the people, Be it enacted, and it is hereby Enacted, that no ſuch Maſter, Wardens, nor Companies*, make nor uſe any Ordinance, in diſheritance, nor diminition of the Prerogative of the King, nor of others*, nor againſt the common profit of the people, nor none other Ordinance of charge, except it were firſt diſcuſt, uſed, and proved by good advice of the Juſtices of Peace, or the chief Governors of Cities, and before them entred upon Record, and that upon pain to looſe and forfeit the force and effect of all the Articles in their ſaid Letters Pattents, and Charters contained concerning the ſame, and o-

ver that to pay ten pounds to the King for every Ordinance that any of them made or uſed to the contrary; the ſame Ordinance to indure at the Kings pleaſure, which Act was then expired, and ſince the expiration of the ſame, many Ordinances have been made by many private Bodies within divers Cities, Towns, and Burroughs, contrary to the Kings Prerogative, his Laws, and the common weal of his Subjects. Be it therefore enacted that no Maſters, Wardens and Fellowſhip of Crafts or Myſteries, nor of any Rulers of Guilds or Fraternities *, take upon them to make any Acts or Ordinances, nor to execute any by them heretofore made in diſhertion or diminition of the Prerogative of the King, nor of other, nor againſt the common profit of the people, except the ſaid Acts and Ordinances be examined and approved by the Chancellor, Treaſurer of *England*, or Chief Juſtices of either Benches, or three of them, or before both the Juſtices of Aſſizes in their Circuit in the Shire where ſuch Acts or Ordinances be made, upon pain of forfeiture of forty pounds for every time they doe to the contrary; And over that it is Enacted that none of the ſame Bodies Corporate take upon them to make any Acts or Ordinances to reſtrain * any perſon or perſons to ſue to the King or any of his Courts for due remedy to be had in their cauſes, nor put, nor execute any penalty or puniſhment upon any of them for any ſuch ſuit to be made, upon pain of forfeiture of forty pounds for every time that they do to the contrary, See chap. 39. (A) 30. (D) 43. (D) and chap. 10. (G).

This Statute will prove offenſive to the free Hoaſt-men, and the Charter of the Admiralty, if well proſecuted, and pay them for all the wrongs done.

King

Henry the 8 Was borne at Grenwich Entred his Raigne being 18 yeares of age the 22. of Aprill 1509. Was Crouned at Westminster the 24. of June following. He Raigned 37 yeares and 9 monthes died the 28. of June. buried at Winſor.

(A) 5 *Stat.* 21. *Hen.* 8. *ch.* 18. In the vacancy of the Sea of *Durham*, Cardinal *Wolſey* being dead, and no Knights nor Burgeſſes in Parlament for *Durham* and *Northumberland*, then the Mayor and Burgeſſes of *Newcaſtle*, knowing there could be no oppoſition, petitioned the King and Parlament, for that whereas the Mayor, Burgeſſes, and Commonalty of that Town having been faithfull Subjects and held in

ver that to pay ten pounds to the King for every Ordinance that any of them made or uſed to the contrary; the ſame Ordinance to indure at the Kings pleaſure, which Act was then expired, and ſince the expiration of the ſame, many Ordinances have been made by many private Bodies within divers Cities, Towns, and Burroughs, contrary to the Kings Prerogative, his Laws, and the common weal of his Subjects. Be it therefore enacted that no Maſters, Wardens and Fellowſhip of Crafts or Myſteries, nor of any Rulers of Guilds or Fraternities *, take upon them to make any Acts or Ordinances, nor to execute any by them heretofore made in diſhertion or diminition of the Prerogative of the King, nor of other, nor againſt the common profit of the people, except the ſaid Acts and Ordinances be examined and approved by the Chancellor, Treaſurer of *England*, or Chief Juſtices of either Benches, or three of them, or before both the Juſtices of Aſſizes in their Circuit in the Shire where ſuch Acts or Ordinances be made, upon pain of forfeiture of forty pounds for every time they doe to the contrary; And over that it is Enacted that none of the ſame Bodies Corporate take upon them to make any Acts or Ordinances to reſtrain * any perſon or perſons to ſue to the King or any of his Courts for due remedy to be had in their cauſes, nor put, nor execute any penalty or puniſhment upon any of them for any ſuch ſuit to be made, upon pain of forfeiture of forty pounds for every time that they do to the contrary, See chap. 39. (A) 30. (D) 43. (D) and chap. 10. (G).

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(A) S*tat.* 21. *Hen.* 8. *ch.* 18. In the vacancy of the Sea of *Durham*, Cardinal *Wolsey* being dead, and no Knights nor Burgesses in Parlament for *Durham* and *Northumberland*, then the Mayor and Burgesses of *Newcastle*, knowing there could be no opposition, petitioned the King and Parlament, for that whereas the Mayor, Burgesses, and Commonalty of that Town having been faithfull Subjects and held in

Fee, from his Progenitors, that Town, Port and Haven of the River of *Tine* thereunto belonging, and of all ground *, which the water covered within the ſaid River of *Tine* from the Mouth of the ſaid River called *Sparbawke*, and to *Headwin* ſtreams, in their demean as of fee in right of the Crown, and that all Merchandizes, carryed by any ſhip or veſſell into that Port, or carried out, uſed to be diſcharged and loaden only at that Town, by which means the Cuſtoms, Subſidies and Tole, were received there for his Majeſties uſe 500*l. per annum*. And that by reaſon of thoſe Liberties and Franchizes that Town hath been well repleniſhed, and maintained, and able to furniſh his Majeſty with four hundred Marriners for the War, and by reaſon of ſeveral great perſonages as well ſpiritual as temporal, having Lands adjoyning to the ſaid River, have loaden and unloaden ſhips with ſeveral Merchandizes and paid no Cuſtoms, to the utter undoing of the Town, and the great diſhertion of your Highneſs, and miniſhment to your Cuſtoms, and that divers Weyers and Fiſh-gates were erected in the ſaid River, by means whereof great Sand-beds and Gravel heaps be grown and caſt up in the ſaid River, that within few years to come, no ſhip of good burthen or weight * ſhall be able to come up to the Town, to the ineſtimable hurt of the Countries thereunto adjoyning, and to the damage of your Realm *, eſpecially to all perſons needing Sea-Coals, which be onely conveyed from the ſaid Port, and no where elſe to be ſhipped or had but there.

In conſideration whereof, may it pleaſe your Majeſtie out of your bounden Grace, with the aſſent of your Lords ſpiritual and temporal, and the Commons in Parlament, to enact, ordain and eſtabliſh, that from henceforth any Merchant or Merchants, or any other perſon or perſons, ſhall not ſhip, load, or unload any Merchandize or other Wares of Goods to be ſold here between the ſaid place called *Sparbawke* and *Headwin* ſtreams (being fourteen miles in length) but onely at *Newcaſtle*, upon pain of forfeiture of all ſuch Goods and Wares and Merchandizes to the King.

And for the Mayor and Burgeſſes to pull down all Weires

Goares

Goares and Engins, which was granted by the said Statute; provided alwaies, this Act be not prejudicial to any person or persons being the Kings Subjects, for building shipping, loading or unloading any Salt or Fish within the said River and Port, or to any of them; or to any other persons repairing to the said Port with ships and Merchandizes, for selling or buying of any Merchandizes or Wares needful for victualing and amending of the said ships *, at the time of their being in the said Port, this Act or any thing comprised in the same notwithstanding. See ch.50.(C)

A Table of Fees for Customs, Toles, &c. in Towns.

(B) *Stat.*22.*Hen.*8.ch.8. Be it Enacted that every City, Borough, and Town Corporate, their Officer shall set up, or cause a Table in open place, of and for the certainty of all such and every duty, of every such Custom, Tole, and duty, or sum of money, of such Wares and Merchandizes to be demanded or required, as above rehearsed, shall and may plainly appear to be declared, to the intent that nothing be exacted otherwise than in old time hath been used and accustomed, upon pain of each City five pound, and every Corporation forty shillings for every month that the said Table shall fail to be set up, the moyety to the King, and the other to the party that wil sue for the same by Writ, Bil, Plaint, or Information, in which the Defendant shall have no assoyn, Wager of Law, nor protection of Law allowed, See chap.44.(E)

A Commission of Sewers, &c.

(C) *Stat.* 23.*Hen.*8. chap.5. The King considering the absolute necessity of granting a general Act for Commissioners of Sewers to be directed in all parts of his Realm for the advancing of the Commonwealth, and commodity of this his Realm. And likewise considering the daily great damages and losses which have happened in many parts of the Nation, in the decay and spoil of Rivers, to the inestimable damages of the Commonwealth which do daily increase, for remedy whereof it is enacted, that there be Commis-

miſſioners of Suers, and other premiſes directed in all parts from time to time, where and when need ſhall require to ſuch ſubſtantial and indifferent perſons as ſhall be named by the Lord Chancellor, and Lord Treaſurer of *England*, and the two Chief Juſtices for the time being, or by three of them, whereof the Lord Chancellor to be one.

The Commiſſioners to be reſiding in the reſpective Countie, where the Commiſſion is directed (which ſaid Commiſſioners will preſerve the ſaid River) having power given them, to conſtitute and ordain Laws, Ordinances, and Decrees, and to repeal, reform, and amend as need ſhall require, any defects.

Alſo to pull down any Newſances, incroachments, or the like, erected in the ſaid Rivers, and to cauſe buildings of Wharfs, for the good of the ſame, and power to Rate and Tax any perſon whatſoever towards the charge for the good of the ſaid Rivers, or having ſpoyled the ſame, to ſeize his or their Lands, Tenements, Goods, and Chattels for the ſaid Taxes, and to diſpoſe of the ſame by Sail, Leaſe, or otherwiſe, ſix Commiſſioners being preſent, and every Commiſſioner is to have four ſhillings a day when they ſit, and the Clerk two ſhillings a day out of the Taxes; I refer the reſt of this power to the relation of theſe Statutes following. 3. *Edward* 6. 9. 13. *Eliz.* 9. See 34. Chap. (C) 35. (A.B.)

An Attaint againſt a Jury.

(D) *Stat.* 23. *Hen.* 8. Chap. 3. The Law having firſt uſed all good devices to cauſe Sheriffs, Under-Sheriffs, Bayliffs of Liberties, Coroners, and all others authorized to return and impannel Juries, to be indifferent, and to return the ſaid Jurors, and Juries without all partiallity, and that they ſhall be no Furtherers, Maintainers, nor Aſſiſters to perjury, ſubordination or embracery, and alſo having provided, that all thoſe Jurors, which be ſo returned upon Inqueſts, and to try Inqueſts, and to try Iſſues between party and party, may again one by one be ſifted, tryed, and examined,

amined, whether they ſtanding unſworn be indifferent, or not, ſhe doth then expect from thoſe Jurors *verictum* a true Tale, that is to ſay a true Verdict, or Preſentment of ſuch things as be given them in charge according to their evidence; but if the ſame Jurors will decline from truth, and make a falſe preſentment contrary to their evidence * then it is not to be tearmed *veredictum* but *perjurium*, and it will be returned to them as *maledictum*, for by the Common-Law they being Attainted by the Verdict of four and twenty other Jurors ſhall receive a curſed and villanous judgement therefore, *viz.*

The ſaid Jurors ſhall loſe the freedom of the Law, their Wives and Children ſhall be thruſt out of their houſes, their houſes ſhall be pulled down to the ground, their Orchards and Gardens ſhall be ſubplanted, their Trees ſhall be digged up by the roots, their Meadows ſhall be eyred up, all their Goods and Chattels, which they have at the time of the Attaint brought, or at any time after, ſhall be forfeited to the King, the King ſhall have all the profit of their forfeited lands during their lives, and they ſhall be committed to perpetuall priſon, which judgement was deviſed, and many years put in execution to the intent it might be known how much the Common-Law did deteſt and puniſh wilfull perjury, and falſhood in thoſe who ſhe truſted in place of juſtice, and from whom ſhe accounted to receive truth. See *Poulton Perjury* (16) See Chap. 58. (B.C.D.) Stat. 23. *Hen.* 6. 10. (D.)

To prevent ſpoyl in Rivers by Ballaſt.

(C) *Stat.* 34. *Hen.* 8. 9. The King for the good and preſervation of Rivers, Enacted that what perſon or perſons do caſt or unlade any Ballaſt, Rubbiſh, Gravel, or other wreck out of any Ship, Crayer, or other Veſſels, being within any Haven-road, Channel, or River to any Port, Town, or other City or Borough within this Realm, but onely upon the land above the full Sea-mark upon pain of forfitude of five pound a time, the one half to the King, the other

other to the party diſcovering, that will ſue for the ſame by Bill, Plaint, or otherwiſe, no wager of Law, admitted or any Eſſoyn or protection allowed.

This is a legal courſe, but *Newcaſtle* acts not hereby, as you may ſee in Chap. 34. (C) 35. (A.B.) 12. Chap. (6.) 14. (B.)

King Edward *the Firſt.*

Sheriffes,

Sheriffes punished for refusing Bail.

(A) *Stat.* 3. *Ed.* 1. 15. King *Edward* the first, for as much as Sheriffs and others, which have taken and kept in prison persons detected of Felony and Incontinent, have let out by *Plevyn* such as were not repleviſable, and kept in persons such as were repleviſable, because they would win of the one party, and grieve the other, It is ordained, That if any Sheriffe, or any other, which hath the keeping of prisons, let any go at large by Surety, that is not repleviſable, and thereof be attainted, he shall lose his Fee and Office for ever: And if the Under-Sheriffe, Constable or Bayliff of such who have Fees for keeping of prisons do it contrary to the will of his Lord, or any other Bayliffe being not of Fee, they shall have three years imprisonment, and make Fine at the Kings pleasure: And if any man withhold a prisoner repleviſable after that they have offered sufficient surety, he shall pay a grievous Amerciament to the King; and if he take any reward for the deliverance of such, he shall pay it double to the prisoner, and also shall pay a grievous Amerciament to the King. See *Stat.* 27. *Edw.* 1. 3. *Stat.* 3. *Hen.* 7. 2. the first and second *Philip* and *Mary* 13. See 30. Chap. (B) 37. Chap. (A.) 41. Chap. (A.)

Extortion in Officers.

(B) *Stat.* 3. *Ed.* 1. 26. The King ordains that none of his Officers shall commit extortion, neither Sheriffe, nor other, shall take reward to do his Office, but shall be paid of that which they take of the King, and he that so doth shall pay or yeeld two times as much, and shall be punished at the Kings pleasure. See *Stat.* 23. *Hen.* 6. 10.

Outragious Tole.

(C) *Stat.* 3. *Edw.* 1. 30. The King Ordains that such who takes outragious Tole contrary to the common custome of the Realm in Market-Towns, by the Lord, then the Franchi:s

chizes of the ſaid Market to be ſeized into the Kings hand; and if it be in the Kings Town, which is let in the Farm, the Franchizes to be ſeized in the Kings hand; And if it be done by a Bayliffe, without conſent of his Lord he ſhall reſtore double, and ſhall have forty dayes impriſonment; touching Citizens, and Burgeſſes to whom the King granted Murrage to incloſe their Towns which takes ſuch Murrage otherwiſe then it was granted unto them, and thereof be attainted, it is provided that they ſhall loſe their Charter or Grant for ever, and ſhall be grievouſly amerced unto the King. (See 44. *Edw.* 3. *fo.* 20.) 43. *Edw.* 3. *fol.* 29. (*fit. N. B. fo.* 94.) See 11. Chap. (*H.*) 44. (*I.*) 49. (C) 48. (A.)

Perſons attached out of their liberty.

(D) *Stat.* 3. *Ed.* 1. 34. For as much as great men, and the Bayliffs, and others, the Kings Officers onely excepted, unto whom ſpecial Authority is given, which at the complaint of ſome, are by their own authority attached, others paſſing through their Juriſdictions, with their goods, compelling them to anſwer afore them, * upon Contract, Covenants, and Treſpaſſes, out of their juriſdiction, where indeed they hold nothing of them, or within their Franchizes where their power is, in prejudice of the King and his Crown, and to the damage of the people, it is provided that none from henceforth ſo do, and if any do he ſhall pay to him, that by his occaſion ſhall be attached his damage double, and ſhall be grievouſly amerced to the King. 3. *Ed.* 1. 16. See Chap. 30. (B.)

The Penalties for procuring Writs.

(E) *Stat.* 13. *Edw.* 1. 36. For as much as Lords of Courts, and others that keeps Courts, and Stewards, intending to grieve their inferiors, where they have no lawful means ſo to do, procures others to move matters againſt them, and to put in ſureties and other pledges, or to purchaſe Writs, and at the ſuit of ſuch Plaintiffes compels them to follow the County,

County, Hundred, Wapentake, and other like Courts untill they have made fine with them at their will; it is Ordained that it ſhall not be ſo uſed hereafter; And if any be attached upon ſuch falſe complaints, he ſhall replevy his diſtreſſe ſo taken, and ſhall cauſe the matter to be brought afore the Juſtice before whom, if the Sheriff, Bayliff, or other Lord after that the party diſtrained hath framed his complaint, will advow the diſtreſſe lawful, by reaſon of ſuch complaints made unto them; And it be replied that ſuch complaints were moved maliciouſly againſt the party by the ſolicitation, or procurement of the Sheriff, or other Bayliff, or Lord, the ſame replication ſhall be admitted, and if they be convicted hereupon, they ſhall make Fine to the King, and treble damages to the party grieved. See *Stat.* 8. *Eliz.* 2.

No Tax to be levied but by Parliament, &c.

(F) *Stat.* 25. *Edw.* 1. 6. Be it Enacted that none ſhall be charged by any Charge or Impoſition, nor be compelled to contribute to any Tax, Talledge, Aid, or other like charge, not ſet by common conſent in Parliament.

A Writ called, Ad queddamum *to purchaſe Fairs, Markets, &c.*

(G) *Stat.* 27. *Ed.* 1. 1299. The King ordains that if any perſon, or perſons having a mind to obtain any Liberties, Fairs, Markets, or the like, may have this Writ out of Chancery, called *Ad quoddamum*, if the Inqueſt paſſe for them, they ſhall have it, for remembrance of which thing, there is an Indenture made, and divided into three parts, whereof one part remains in the Chancery, another in the Exchequor, and the third in the Wardrop, Regiſt. *Fo.* 247. *Fitz. N. B. fo.* 221. *Raſt. Pla. fo.* 25. 32. See Chap. 48. (A. B.) 44. (I.) 49. (A. G) 50. (A) 29. (A) 47. (A) 51. (A) 50. (C) and Chap. 11. (I. K.)

This Writ called a Quo Warranto, *will daſh any Charter a peeces exceeded.*

(H) *Stat.*30.*Ed.*1.1301. The King and his Parliament, provided well for the weal of the Nation againſt any indirect courſe proſecuted under colour of Charter, Grants, &c. either by not putting in execution what is granted to Corporations, or exceeding their powers, ordains this Writ, whereby all men may have right, if they look after it, *viz.* The King to the Sheriff, Greeting, Summon by good Summons, &c. that they be before us at &c. in our next coming in to the County aforeſaid, or before our Iuſtices of Aſſize, when they ſhall come into thoſe parts, to ſhew by what warrant they claim ſuch Liberties, and hold a view of Frank pledge in their Mannor of &c. or by what warrant they have to hold *Tholonium* (*tollis*) for them and their Heirs, and by what warrant they do ſuch wrongs, &c.

This Writ, is like twenty of the violenteſt Maſtiffs, upon a ſmall Bear, tearing her all in peeces, they being unmuzled, there is a great want of ſuch bayting.

(I) Doctor *Lamb*, who was killed by a rude multitude in *London*, and ſoon after buried, but by reaſon a Coroner did not view his dead body &c. this Writ was brought by Attorney General *Noy*, who voided their Charter, and they were fined many thouſand pounds, and paid, &c.

(K) *London-Derry*, onely for exceeding their power in their Charter, were ſerved the very like, &c.

This Writ would do the like to *Newcaſtle*, if acted, for exceeding their powers, and not burying Mr. *Snapes* ſon, one *Gray*, and *William Rea*, who were drowned in that River, as they are tyed to do by Charter. See Chap. 10. (O.P.) And ſee Chap.29.(A)48.(B)49. (Y)

No diſtreſſe without Warrant.

(L) *Stat.*34 *Ed.*1,2. The King ordains that no officer of his, or his Heirs ſhall take any Corn, Cattle, or any other goods whatever, from any perſon, without the good will and aſſent of the party to whom the goods belonged. See Chap.47.(A)30.(B)

King

King Edward the 2. surnamed Carnarven Was crowned at Westminster at the 22 Yere of his age the 24. of febru 1308. he Raigned 19 Yere. 6 monethes Was deposed the 25. of Januarius 1326. he Was slayne in the Castle of Barkley in the 43 Yere of his age.

Breaking of Prisons.

(A) *Stat.* 1. *Ed.* 2. 1307. By the Common-Law of *England*, if a man had been imprisoned, and broke the prison, he should have been hanged, for what cause soever he had been imprisoned, yea although it had been but for Trespass, which great enormity was redressed by this Statute of 1 *Edw.* 2. intituled, *De frangentibus prisinam*, the words where

where be theſe, Touching Priſoners breaking of Priſon, our Lord the King doth will and command, that none which from henceforth do break priſon, ſhall have Judgement of life and member, for the breaking of priſon onely, except the cauſe for the which he was taken and impriſoned doth require ſuch Judgement, if he ſhould have been convicted thereof according to the Law and Cuſtom of the Realm, though in times paſt it hath been otherwiſe uſed, and therefore it is to be conſidered, who is a priſoner, and what is breaking of priſon according to the meaning of the aforeſaid Statute, every perſon who is under arreſt for Felony, is a priſoner as well being out of the Goal, as within, ſo that if he be but in the Stocks in the Street, or out of the Stocks in the poſſeſſion of any that hath arreſted him, and doth make an eſcape, that is a breaking of priſon in the priſoner, for impriſonment is none other but a reſtraint of liberty. *Raſt.pla.fo.* 247.340. *Kit.fo.* 87. *Dyer fo.* 99. *Fitz. Coron.* 134. *Bro. Coron.* 79.

Unſufficient Sheriffs.

(B) *Stat.* 9. *Edw.* 2. 1315. The King receiving great complaints from the great men and people in Parliament, throughout the whole Realm; perceived great damage done to him, and great oppreſſion and diſheritances to his people, by reaſon of unſufficient Sheriffs and Bailiffs, the King reſolved to prevent ſuch evil oppreſſions and diſheritances by the aſſent of his Prelates, Barons, &c. Enacted that the Sheriffs ſhall have ſufficient Land within the ſame Shire, to anſwer the King and his people, and to attend his Office, and if any Sheriffs or Hundreders be unſufficient ſhall be removed *, and others more convenient put in their place, that none ſhall farm his Land. That Writs ſent to the Sheriffs ſhall be executed by the Hundreders ſworn and known, they to be ſuch —— as have Land to anſwer and not by others ſo that the people may know to whom to ſue ſuch Execution ſaving always the Returns of the Writs, to them that have them or ought to have them,

The

The King by his Prerogative ſhall have the Wreck of the Sea.

(C) *Stat.*17. *Edw.*2.11. It is Enacted that the King ſhall have the Wreck of the Sea throughout the Realm, Whales, and great Sturgion taken in the Sea, or elſewhere within the Realm, except in certain places privileged by the King. See *Stat.*3.*Edw.*1.4. *Raſt.pla.fo.*611. *Ca.lib.fo.*106,108. 1.*Hen.* 7. *fo.*23. 11.*Hen.*4. *fo.*16. 9.*Hen.* 7.*fo.*20. 35.*Hen.*6.*fo.*27. See ch.10.(S) 30.(A) 29.(D) 30.(C)

The King ſhall have all Felons goods.

(D) *Stat.*17.*Ed.*2.16. Be it Enacted the King ſhall have the goods of all Felons attainted and Fugitives whereſoever they be found, and if they have Free-hold, then it ſhall be forthwith taken into the Kings hands, and the King ſhall have all profits of the ſame by one year and one day, and the Land ſhall be waſted and deſtroyed, the Houſes, Woods and Gardens, and all manner of things belonging to the ſame, excepting men of certain places privileged by the King therefore; and after he hath had the year and the day, and the waſte; then the Land ſhall be reſtored to the chief Lord of the ſame fee, unleſs that he fine before with the King for the year and the day, and the waſte: Nevertheleſs it is uſed in the County of *Gloceſter* by cuſtom that after one year and a day, the Lands and Tenements of Fellons ſhall revert, and be reſtored to the next Heir to whom it ought to have diſcended, if the fellony had not been done. And in *Kent*, the cuſtome is Gavel kind, the Father to the Bow, and the Son to the Plow; All Heirs Male ſhall divide their Inheritance, and likewiſe women; but women ſhall not make partition with men, and a woman after the death of her Husband ſhall be endowed of the moiety, and if ſhe commit fornication in her Widowhood, or take an Husband after ſhall looſe her Dower, *Fitz: N.B. fo.*144. *Regiſt. fo.*165. *U.N.B. fo.*93. *U.N.B. fo.*5. See chap. 10. (S) 53.(A)

King

Eduard the 3. borne at winſor. was Crowned at weſtminſter the 2. of feb: 1327. being 15. Yeares olde Raigned 50. Yeares 4 months 24 dais. Dyed the 21 of June 1377 lyeth buried in weſt

Enquiry of Goalors Which ſhall procure Priſoners to become Appealers.

(A) *Stat. 1. Edw. 3. 7.* Be it Enacted for the eſchewing the damages and deſtruction that often doth happen by Sheriffs, Goalors, and keepers of Priſons, within Franchizes, and without, which have pained their priſoners, and by

by ſuch evill means compel and procure them to become appealers, and to appeal harmleſs and guiltleſs people, to the intent to have ranſom of ſuch appealed perſon for fear of impriſonment or other cauſe, the Juſtices of the one Bench and of the other, and Juſtices of Aſſizes and Goal delivery, ſhall by force of this Statute enquire of ſuch compulſive puniſhments, and procurements, and hear the complaints of all them that will complain in ſuch caſes by Bill, and ſhall hear and determine ſuch plaints, as well at the Suit of the party, as at the Kings Suit. *Stat.*13. *Edw.*1.12.14. *Ed.*3.10. *Raſt. pl. fo.*56.

None to ride armed except. &c.

(B) *Stat.*2. *Edw.*3.3. Be it Enacted that none ſhall ride or go armed but ſuch as are the Kings Servants, or being licenced, nor his Officers to do their Office by force of Arms, nor bring any force in an affray of the peace; neither to be armed by day not night in any place upon pain of forfeiture of their Arms, and impriſonment during the pleaſure of the King, all Officers whatever is required to put this Act in force, See ch.37. (A)

(C) 2.*Edw.*3.6. 2.*Ed.*4.5. Every Juſtice of peace upon his diſcretion may bind to the Peace or Good Behavior ſuch as are common Barrators, A common Barrator is he which is either a common moover and ſtirrer up or maintainer of Suits in Law in any Courts of Record, or elſe of quarrels or parts in the Country; as if any Court of Record, County Court, Hundred, or other inferior Courts, any perſon by fraud and malice under colour of Law ſhall themſelves maintain, or ſtir up others unto multiplicity of unjuſt and feigned Suits, or Informations upon penal Laws, or ſhall maliciouſly purchaſe a ſpeciall Supplicavit of the Peace, to force the other party to yeeld to him compoſition, all ſuch as are Barrators in the Countrey, and theſe are three ſorts.

Firſt, Diſturbers of the Peace*, ſuch are either common quarellers or fighters in their own cauſe, or common

moovers or maintainers of quarrels and affrales between others.

Secondly, Common takers or detainers by force or subtlety of the possessions of Houses, Lands or Goods, which have been in question or controversie.

Thirdly, Inventers, and Sowers of false reports whereby discords ariseth, or may arise between Neighbors; Yea, if one be *communis seminator litium* he is a Barrator, or if any man of himself be *communis oppresor vicinorum*, a common oppressor of, or wrangler with his Neighbors either by unjust or wrangling Suits, or other oppressions or deceits, he is a Barrator, or if one *Communis pacis perturbater calumniator & mal factor*, he is a Barrator, but all such persons must be common Barrators, not in one or two, but in many causes. See *Lamb.* 79. *Co.*8.36. *Co. l.*338. *Co.*8 36. *Cromp.*257. *Co.* 8.37.

This will break the neck of all Charters in England, that be unjust, *&c.*

(D) *Stat.*2.*Edw.*3.8. It is accorded and established, that it shall not be commanded by the great Seal, nor the little Seal, to disturb or delay common Right, and though such commandements do come, the Justices shall not therefore leave to do right in any point, *Stat.*9.*Hen.*3.29. 5.*Ed.*3.9. 14 *Edw.* 3.14.

Gold and Silver prohibited, &c.

(E) *Stat.*9.*Edw.*3.1. No person shall carry Gold or Silver out of the Realm without the Kings license, who so doth, shall forfeit all such as is carrying, with ship, *&c.* *Stat.* 5.*Rich.*2.2. *Stat.*2.*Hen.*6.6. 19.*Hen.*7.5.

Rates on Victuals.

(F) *Sat.*23 *Edw.*3 6. The King Ordains all persons whatever which sels any kind of Victuals, shall be bound to sell their victual at a reasonable rate or price, having respect to the price, that such Victuall be sold at, in the places adjoyning, so that the seller may have a moderate gain and not excessive *, And if the seller do sell otherwise, shall pay double back, the Mayor and Bayliffs of the City, Market-Towns, and other corporate Towns, and the ports of the Sea,

Sea, ſhall have power to enquire of all offenders in the ſame. And to levy the ſaid pain (upon themſelves) for their uſe who ſueth for the ſame, and in caſe the Mayor and Bayliffs be negligent in putting in execution any of the premiſes, and thereof be convicted, before Juſtices aſſigned, then the ſaid Mayor and Bayliffs ſhall be compelled by the ſaid Juſtices to pay the treble of the things ſo ſold to the party damnified, and alſo ſhall be grievouſly puniſhed by the King, 23. *Edw.* 3. 4. See chap. 50. (A) 44. (E) 48. (A) 51. (A) 29. (A)

None to be condemned without his Anſwer, &c.

(G) *Stat.* 28. *Edw.* 3. 3. The King ordains that no man of what eſtate or condition he be, ſhall be put out of his Land nor Tenements, nor taken, nor impriſoned, nor diſ-inherited, nor put to death without being brought to Anſwer by due proceſs of Law. *Stat.* 9. *Hen.* 3. 29. 5. *Edw.* 3. 9. 25. *Ed.* 3. 4. See chap. 10. (X) 38. (C) 41. (A) 43. (D) 38. (A)

Penalty of a Mayor, Sheriff and Aldermen for not redreſſing grievances.

(H) *Stat.* 28. *Edw.* 3. 10. Becauſe of the Errors, Defaults, and Miſpriſions, which be notoriouſly uſed in Cities, Boroughs and Corporations for default of good governance, of the Mayor, Sheriff and Aldermen, cannot be inquired nor found by people of the ſame Town; it is Ordained and eſtabliſhed that the ſaid Mayor, Sheriffs, and Aldermen, which have the Governance of the ſaid Town or City, ſhall cauſe to be redreſſed and corrected, the Defaults, Errors, and Miſpriſions above named, and the ſame duly puniſh from time to time, upon a certain pain, that is to ſay, at the firſt default a thouſand Marks to the King. The ſecond default two thouſand Marks; And at the third default, that the Franchizes and Liberties of the ſaid Town be taken into the Kings hand, it ſhall be enquired of by foraign Inqueſts of foraign Counties, namely, the City of *London*, but all other Cities, Boroughs and Corporations to be tryed by forain Inqueſts in the ſame Town, which may be

done by the puniſhment of Judges thereunto aſſigned by Inqueſt or Indictment, and called to anſwer the ſame out of their Town, which fine is to be leavyed by Attachment, and diſtreſs, and by exigent if need be, upon any Land or Tenements out of their Town, belonging to any of them.

King Edward *the Sixth.*

Edward borne at Hamtes Court at the age of 9 yeares began his raigne the 31 of Janu: 1546 Crowned at westm: the 28 of februa: following he raigned 6 yeares 5 monthes died the 6 of Julie buried at westminster

Murders

Murder, &c.

(A) *Stat.* 1. *Edw.* 6. 12. It is Murder to ſtrike with either blunt or ſharp weapon, if the party dye within a year and a day, and the blows given upon malice, neither ſhall Clergy be allowed. See Chap. 36. (A.) Murr.

Victuallers, and Handicrafts-men.

(B) *Stat.* 2. *Edw.* 6. 15. For as much as Artificers Handicrafts men, and Labourers have made Confederacies, and mutually ſworn, not onely that they ſhould ſell their victuals at a certain rate, and not to meddle with one anothers work, and finiſh that which others have begun, but alſo to appoint how much work they ſhall do in the day; and what hours, and times they ſhall work, contrary to the Laws and Statutes of this Realm, and to the hurt and great impoveriſhment of the Kings ſubjects; For reformation whereof, the King ordains, That if any Victuallers or Artificers aforeſaid, ſhall at any time combine, conſpire, or make any Oaths that they ſhall not ſell their victuals at certain prices, or that Artificers ſhall not work, but as aboveſaid, being convicted, ſhall pay in ſix dayes ten pounds to the King, or twenty dayes impriſonment, and fed onely with bread and water, if he have not ſufficient to pay the ſaid Fine; For the ſecond offence the Pillory, or twenty pound; And for the third offence, ſhal forfeit forty pounds, or elſe be ſet in the Pillory, and loſe one of his ears, and ſhall be taken as an infamous man, and his ſayings, and oath not to be credited in matter of judgement; And if any ſuch Conſpiracy, Covenant, or Promiſe be had, or made by any Society, Brother-hood, or Company of Craft-myſtery, or occupation of the Myſteries afore-mentioned with the preſence or conſent of the moſt of them, that then immediately upon ſuch act of conſpiracy Covenant, or Promiſe, had, or made, over and beſides the particular puniſhment before in this Act appointed for the offender, their Corporation ſhal be diſſolved, to all intents, conſtructions,

ſtructions, and purpoſes; and that none do preſume to hinder any Free-Maſon, Rough Maſon, Carpenter, Bricklayer, Plaſterer, Joyner, Hard-hewer, Sawyer, Tyler, Pavier, Glaſier, Lyme-burner, Brick-maker, Tyle-maker, Plummer, or Laborer born in this Realm, or made deniſon, to work in the ſaid Crafts in any City, Borough, or Town Corporate, with any perſon or perſons that will retain him, albeit the ſaid perſons ſo retained, or any of them do not inhabit, or live in the ſaid Town, &c. nor be free of the ſame City, &c. any Statute, Law, Ordinance, or other thing to the contrary, upon forfeiture of five pound a time, half to the King, and half to the party ſuing, to be recovered by Bill. &c. no wager of Law, or protection allowed, &c. See Chap. 29. (E) 30. (F.) 36. (A.)

Robbing within a Market of a Fair, Booth, Tent, &c.

(C) *Stat.* 5. 6 *Ed.* 6. 14. Be it Enacted that no perſon or perſons which ſhall happen to be found guilty after the Laws of this Realm of, and for robbing any perſon or perſons in any Booth or Tent, in any Fair or Market, the Owner, his wife, children, or ſervant then being within the ſame Booth, or Tent, ſhall not be admitted the benefit of his, or their Clergy, but excluded thereof, and ſuffer death without conſideration, whether the ſaid perſons within, ſhall be ſleeping, or waking. See Chap. 47. (B) 49. (D) 51. (A) 11. (N.)

Fore-ſtalling, Regrators, Ingrocers.

(D) *Stat.* 5. 6. *Edw.* 6. 14. The Law being ſo good againſt theſe offenders, that I ſhall give *Poultons* Expoſition thereof, *viz.* They deſerve to be reckoned amongſt the number of Oppreſſors of the common good, and publick weal of the Nation, for they do endeavour to enrich themſelves, by the impoveriſhing of others, and reſpect not how many loſes, ſo they may gain.

They have been exclaimed of, and condemned in Parliament

ment from one Generation to another, as appears by many Statutes, at leaſt fourteen Statutes, eſpecially Fore-ſtallers, as apppears by 34 *Ed.* 1. when it was ordained, that no Foreſtaller ſhould be ſuffered to dwell in any Town, for he is a manifeſt oppreſſor of the poor, and deceiver of the rich, a publick enemy of the Country, a canker, a moth, and a gnawing worm that daily waſteth the Commonwealth. And the name, and act of a Foreſtaller was ſo odious, that it was moved in Parliament to Enact that a Foreſtaller ſhould be bated out of the Town where he dwelt, by Dogs, and whipped forth with Whips (*Newcaſtle* would have been empty) and by this Statute it declareth who are offenders, and what puniſhment to be inflicted.

That whatſoever perſon or perſons, ſhall buy, or cauſe to be bought any Merchandize, Victual, or other thing coming by land, or water, towards any Fair or Market to be ſold in the ſame, or coming towards any City, Port, or Haven, Creek, or Road of this Nation, from any part beyond the Seas to be ſold.

Or make any Bargain, Contract, or Promiſe for the having or buying of the ſame, or any part of the ſame, ſo coming as aforeſaid, before the ſame Merchandize, Victual, or other things ſhall be in the Market, Fair, City, Port, Haven, Creek, or Road, ready to be ſold; Or ſhall make any motion by word, letter, meſſage, or otherwiſe to any perſon or perſons for the inhanſing of the price, or dear ſelling of any of the other things above mentioned; Or elſe diſſwade, move, or ſtir any perſon coming to the Market, or Fair to forbear to bring any of the things above mentioned to any Fair, or Market, City, Port, &c. to be ſold as aforeſaid, ſhall be adjudged a Fore-ſtaller, 13 *Eliz.* excepts Oyls, Sugars, Spices, Currans, or other foreign Victuals brought from beyond the Sea, Fiſh, and Salt only excepted.

A Regrator defined, what perſon or perſons ſhall by any means regrate, obtain, or get into his, or their hands or poſſeſſions in any Fair or Market within this Nation to be ſold, any dead Victual whatſoever brought thither for that purpoſe, and do ſell the ſame again in any Fair or Market holden

holden, or kept in the ſame places, or within any Market or Fair within four miles thereof, ſhall be reputed and taken for a Regrator, or Regrators.

An Engroſſer is, he, or they which ſhall engroſſe, or get into his, or their hands by buying, contracting by promiſe taking, other then by Demiſe, Grant, or Leaſe of Land, or Tythe any Corn growing in the Fields, or any other Corn or Grain, Butter, Cheeſe, Fiſh, or other dead Victuals whatſoever within the Nation, to the intent to ſell the ſame again, ſhall be reputed and taken an unlawful Engroſſer, or Engroſſers.

If any perſon or perſons ſhall offend in any of the things before recited, and being thereof duly convicted or attainted thereof by the Laws of this Nation, for the firſt offence ſhall ſuffer two months impriſonment without Bayl or Mainprize, and forfeit the value of the goods; For the ſecond offence ſix months impriſonment, without Bayl or Mainprize, and loſe double the value of the goods; and upon conviction of the third offence ſhall be ſet in the Pillory where he dwels in the ſame Town, and loſe all the goods he, or they have, which was to their own uſe, and be committed to priſon during the Kings pleaſure, it is but *Mutatis, Mutandis.*

Every Juſtices of every County, is to enquire and determine of the offences in their Quarter-Seſſions upon Inquiſition, Preſentment, Bill, or Information, exhibited, and proved by two Witneſſes, the one half of the Fine to the King, the other to the party diſcoverer.

What Juſtice can be expected or had in *Newcaſtle*, the Mayors, Juſtices and Burgeſſes being the offenders, Judges, (P) Jurors in their own cauſes, and muſt be tryed in the ſame County (T) themſelves to have the Fines, as by Charter appears

* See Stat. 21. K. *James*, 4. (T) See 10. Chap. (L) (P) Chap. 10. (R) (*) See Stat. 5. *Eliz.* 12.

The Town of Gates-head, *and all Liberties given to* Newcaſtle, *&c.*

(E) *Stat.* 7. *Edw.* 6. 10. There being Biſhop of *Durham* elected, nor any Member of Parliament for that County, which the Mayor and Burgeſſes of *Newcaſtle* perceiving, petitioned the King, that the Town of *Gates-head* in the County of *Durham*, adjoyning to their Corporation, only the River of *Tyne*, between, being populous, and without Government, and often committing many outrages in their Town, and then got over the water into the Town of *Gates-head* unpuniſhed, and that often they caſt Rubbiſh into the River, and alſo that the Bridge went to decay very much, which belonged to that Town, humbly beſeeching that his Majeſty would be graciouſly pleaſed to incorporate that Town with them under their Government, with all its members, and Salt-meadows, and Park, and that it may be quite taken from the County of *Durham*, and all the people therein to become ſubordinate to their Laws.

Be it Enacted that the whole Town of *Gates-head*, with the Salt-meadows, the whole Water, and Bridge, with all the Liberties thereunto belonging, except the Common, which ſhall ſtill remain to the inhabitants, be incorporated with *Newcaſtle*, and diſ-joyned from the County of *Durham*, as *Newcaſtle* was from *Northumberland* by Charter.

12.

RICHARD the 2. borne at Burdeaux Sonne to Edward Prince of Wales, begann his Raigne the 21 of June Ad. Dñi 1377. he Raigned 22 Yeares. Was Deposed: & died the 14. of February 1398. First buried at Langley in Hartfordshire. & afterwardes at Westminster

A Free Trade in all England.

(A) STat. 11. Richard 2.7. and the 14. Richard 2.9. Be it Enacted that all Merchants, Aliens, and Denisons, and all other, and every of them, of what estate or condition they be, which will buy, or sell Corn, Wine, Avirdepoize, Flesh,

Fleſh, Fiſh, and all other Victual, or other Merchandizes, and all other things vendible, from whenceſoever they come, in whatſoever place they pleaſe, be it City, Borough, Town, Port of the Sea, Fair, Market, or other place within this Realm, within Franchizes, or without, may freely, or without diſturbance ſell the ſame to whom they pleaſe, as well to Foreigners, as to Denizons, except to the enemies of the King, and of his Realm.

And if any diſturbance be done to any ſuch Merchant, &c. upon his ſail of the ſame in any of the places aforeſaid, the Mayor and Bayliffs of ſuch Franchizes ſhall make remedy, but if they do not, and being thereof convicted, the Franchizes ſhall be taken into the Kings hand, and the party grieving ſhall make to the Merchant grieved, double damages.

And if ſuch diſturbance be out of the Franchized Towns, then the Steward or Bayliffe of ſuch Lord, who is Lord of the Mannor, ſhall give right, or pay double damages, the party offending ſhall be impriſoned for one whole year, and that none ſuch ſhall be diſturbed, but ſhall freely buy and ſell for his own uſe, or to the Kings, &c. except that the Merchant, Aliens, ſhall carry no Wines out of the Realm, as it is contained in their Charters.

And that the ſaid things be holden, kept, and performed in every City, Borough, Town, Port of the Sea, or any other place notwithſtanding any Charter of Franchize to them granted to the contrary, not Uſage, Cuſtome, nor Judgement, given upon their Charters, Uſages, nor Cuſtomes which they may alleage, which Charters, Uſages, and Cuſtomes, the ſaid King, the Grand-fathers, the Prelates, Earls, Barons, and great men, and Commons in Parliament aforeſaid Holds, theſe ſaid Charters, &c. of no force, and as being things, granted, uſed, and accuſtomed to the damage of the King, the Prelates, Earls, Barons, and great men of his Realm, and great oppreſſion of the Commons, ſaving to the King, and to other the Cuſtomes due of the ſaid Merchandizes.

And the Chancellor, Treaſurer, and Juſtices, aſſigned to

hold the Pleas of the King in places where they come, ſhall enquire of ſuch diſturbances and grievances, and do puniſhment according as is before ordained.

And by a Statute made the 25. *Edw* 3. 2. It was Ordained and Eſtabliſhed, That the ſaid Statutes made in the ninth year Chapter 1. in all Points and Articles contained in the ſame ſhould be holden, kept, and maintained, &c.

And if any Charter, Letters Pattents, Proclamations, or Commandements, Uſage, Allowance, or Judgement were made to the contrary, the ſame ſhould be utterly repealed, avoyded, and holden for none.

And that it is free for any whatever, that brings any proviſions whatever, to ſell the ſame, or other Merchandizes, by Groſſe or retail, either in the City of *London*, or any other Port, City, Borough, or Town-Corporate in *England*, without challenge, or impeachment, and to ſell them freely to any that will buy the ſame, notwithſtanding any grant whatever to the contrary notwithſtanding, any Franchize, Cuſtome uſed, ſince ſuch Franchizes, and Cuſtomes, Uſages, be in common prejudice to the King, and all people, &c.

And that no Mayor, Bayliff, Catch-pole, Miniſter, nor other ſhall meddle in the ſail of any manner of Victuals vendible, brought to the places aforeſaid.

And all men that will ſue, may have a Writ out of the Chancery to attach him by his body that offends herein, as a diſturber of the common profit, &c.

The King ſeeing clearly if the ſaid Statutes were duly put in execution, would much extend to the profits and wealth of the whole Nation, do Ordain, and Eſtabliſh, by aſſent of the Prelates, Dukes, Earls, Barons, great men, Nobles, and Commons in this preſent Parliament aſſembled, That the ſaid Statutes, ſhall be firmly holden, kept, maintained, and fully executed in all Points and Articles of the ſame, notwithſtanding any Ordinance, Statute, Charter, Letters Pattents, Franchizes, Proclamations, Commandements, Uſage, Allowance, or Judgement be made or uſed to the contrary, it ſhall be utterly repealed, avoyded, and holden for none.

This

This Statute was obtained by a Petition (worth reading) from all the Nobles and Commons of *England*, as you may read in the ninth of *Edward* the third, Chapter the first, it laying open the great grievance of the whole Nation in Parliament, of Proviſions, and other Merchandizes, being engroſſed into private hands, and reſtraining all others from trading but themſelves, &c. See Chap. 29. (C) 30. (D) 32. (D) 35. (A) 38. (A) 51. (B.C.) This Statute revived, would make *England* as happy as *Venice*, for Riches, &c.

Merchant-ſtrangers ſhall be well uſed.

(B) *Stat.* 14. *Rich.* 2. 9. Be it Enacted that Merchant-ſtrangers, repairing into the Realm of *England*, ſhall be well and courteouſly, and rightfully intreated, and governed in the ſaid Realm, to the intent that they ſhall have the courage to repair into the ſame. See Chap. 30. (B) 41. (A.)

The Duke of *Venice* by tollerating a free Trade, all the Nobility and Gentry trades in Merchandizings, which doth ſo improve his revenew, that it maintains his Wars without other Impoſitions, he being able to wage war with the moſt potenteſt Prince that is, &c.

No Cuſtomers to be Traders, nor to have parts of Ships.

(C) *Stat.* 14. *Rich.* 2. 10. The King ordains that no Cuſtomers, nor Controlers have any ſhips of their own, nor meddle with the fraught of ſhips, and to eſchew as well the damage of the King, of his Cuſtomes, as the loſſe of the Merchants repairing to the Port, as well Aliens as Denizons; And that no Cuſtomer, Controler, Searcher, Waiter, or Finder have any ſuch Office for terme of life, but onely as long as ſhall pleaſe the King, notwithſtanding any Patent or Grant to any to the contrary, but ſuch Patents or Grants be repealed, and of no force, nor value. *Stat.* 17. *Rich.* 2. See Chap. (35)

Statute of Mortmain.

(D) *Stat.* 15. *Rich.* 2. 5. Be it Enacted what Mayors Bayliffs, and Commons of Cities, Boroughs, and other Towns which have perpetual Commonalty, and others which have officers, that from henceforth they ſhall not purchaſe to them, and their Commons any Lands, &c. nor no religious, or other perſon what ever he be *, do buy or ſell, or under colour of gift or terme, or any other manner of title, any Lands, Tenements, upon pain of forfeiture of the ſame, whereby the ſaid Lands, and Tenements, might have come to *Mortmain*.

Riots, Routs, &c.

(E) The 4. year, King *Rich.* 2. Riots, Routs, and unlawfull aſſemblies, have been ſo many times pernicious, and fatal enemies to the peace and tranquility of the Nation, that it did ſhake the foundation and form of State-Government, as that of a Collector of a Subſidy at *Dartford* in *Kent* in his dayes, in requiring but a Groat of a Taylor and his wife, grew to ſuch a head of diſcontentment, and not being timely queld, became ſuch a Rebellion, that it put the King in great hazard of his life, the burning of the City of *London*, the Nobles and Gentry, with the learned of the Law beheaded, and others in hazard of their lives and families overthrown, and the Records of Law burnt. *Wat. Tyler* was Captain. See *Hen.* 6. (B) See Chap. 37. (A.)

Queen

Maria nata Grenouici 11 febru: 1505
Incipit regnare 6 Iuli: 1553
Regnauit 5 annos et 4 menſis
Obyt annos na[illegible]48 et 9 menſis

The Town of Gates-head taken from Newcaſtle.

(A) Stat. 1. *Mary* Chap. 3. So ſoon as Biſhop *Tunſtall* was created Biſhop of *Durham*, laid open to the Queen and Parliament the Illegallity of *Gates-heads* being taken from the County of *Durham*, and Incorporated with *Newcaſtle*, and how ſurreptitiouſly they got it paſt by Act of Par-

Parliament, and humbly beſeeched that the Town and Liberties of *Gates-head* might be reſtored to the County of *Durham* again, which could not well be done without that Statute of the 7. *Edw.*6. 10. were repealed; After a great debate in Parliament, it was found onely a covetous diſpoſition in the Corporation of *Newcaſtle* to require that from King *Edward* the ſixth, and in no wayes for the good of any, in any particular ſenſe, who Enacted that the Statute of the ſeventh of *Edward* the ſixth, Chapter the tenth, ſhould be repealed, and of no force to all intents and purpoſes, and the Town of *Gates-head* ſhould be free from the Corporation of *Newcaſtle*, &c. See Chap.7. and Chap. 8.

Sweet Queen.

The most excellent Princes Elizabeth Queene of Englande. France and Ireland. Defender of the Faith &c. She raigned 44 yeares. died the 24 of March. 1602. aged 69. 6 monthes: and lieth buried at Weſtminſter.

Compton Holland cundit

How long Apprentices ſhould ſerve.

(A) STat. 5. *Eliz.* 4. Be it Enacted that all Apprentices in every Corporate Town through *England*, ſhall ſerve after the Cuſtome and Order of *London*, the full term of ſeven years at leaſt, ſo as the terme and years of ſuch Apprentices do not expire or determine before ſuch Apprentices

tices be of the age of four and twenty years at leaſt; And if an Apprentice be miſ-uſed by the non-conformity of the Maſter, then the next officer upon complaint ſhall bind the Maſter to anſwer the Seſſions, and the cauſe appearing, the Bench may diſcharge the Apprentice from his Maſter. See Chap. 55. (C.)

The Puniſhment of Perjury, &c.

(B) *Stat.* 5. *Eliz.* 9. Be it Enacted that if any perſon or perſons at any time ſhall unlawfully and corruptly procure any Witneſſe or Witneſſes by letters, rewards, or any other promiſes to commit any wilful and corrupt perjury in any matter or cauſe whatſoever now depending, or which hereafter ſhall depend in ſuit or variance, by any Writ, Action, Bill, Complaint, or Information upon any matter or cauſe whatever, and being thereof convicted, ſhall forfeit forty pound; and if he have not ſo much, then to be impriſoned for half a yeer, without Bail or Mainprize, and to ſtand in the Pillory one hour in a Market day in the open Market, and never to be received as a Witneſſe in any Courts of Record, and if judgement be given upon his teſtimony, it ſhall be void, and the party grieved have his damages.

And if any perſon ſhall wilfully perjure himſelf by committing wilfull perjury by his depoſition in any Courts, or being examined *Ad perpetuam rei memoriam*, for which offence he ſhal forfeit twenty pound, and impriſonment for ſix months without Bail or Mainprize, and never to be as a witneſſe in any Court, and that the Oath ſhall be void, and party grieved to recover his damages; and if he be not able to pay his Fine, then to be ſet in the Pillory having both his ears nayled thereunto, and never to be credited again in any Court, the one half of the Fine to the Queen, and the other to the party grieved, that will ſue for the ſame, by Bill of Indictment, &c. wherein there ſhall be no wager of Law, &c.

And all Witneſſes are required upon ſummons to appear, to give evidence, reaſonable charges allowed, and upon default to forfeit ten pound, and all the damages ſuſtained to be recovered in any Court of Record, by Action, Bill, &c.

no

no Wager of Law, &c. See Stat. 21. K. *James* 28. made perpetual. See Chap. 31. (A) 34. (A.B) 42. (A.)

Fore-ſtallers of Corn, &c.

(C) *Stat.* 5. *Eliz.* 12. Be it Enacted that no perſon, or perſons ſhall buy any Corn, out of open Fair or Market to ſell again, unleſſe ſuch perſons ſhall have ſpecial and expreſs words in a licence, that he or they may ſo do, upon pain of the forfeiture of five pounds for ſo doing, which forfeiture to come to the Queen the one half, and the other half to the party that will ſue for the ſame by Bill, &c. See *Stat.* 5. 6. *Ed.* 6. 14. See Chap. 50. (A) 51. (C.)

Arreſtings in other mens names, and delayes, &c.

(D) *Stat.* 8. *Eliz.* 2. Be it Enacted by this preſent Parliament that if any perſon or perſons ſhall by any means cauſe, or procure any other perſon to be Arreſted or Attached at the ſuit, or in the name of any perſon where indeed no ſuch perſon is known, or without the aſſent, conſent, or agreement of ſuch perſons, at whoſe ſuit, or in whoſe name ſuch Arreſt or Attachment is, or ſhall be ſo had and procured; That then every ſuch perſon and perſons, that ſhall ſo cauſe or procure any ſuch Arreſt, or Attachment of any other perſon to be had or made for vexation or trouble, and ſhall thereof be convicted or lawfully accuſed by Indictment, preſentment, or by the teſtimony of two ſufficient Witneſſes or more, or other due proof, ſhall for every ſuch offence by him or them committed, done, or procured, have, and ſuffer impriſonment of his or their body ſix months without Bail or Mainprize, and before a deliverance out of priſon, ſhall pay unto the party ſo Arreſted or Attached treble the coſts, and charges, damages, and expences that he or they ſhall be put unto by reaſon or occaſion of ſuch Arreſt or Attachment ſo had, and ſhall alſo forfeit and pay unto ſuch perſon, or perſons, in whoſe name, or at whoſe Suit, he, or they ſhall ſo procure ſuch Arreſt

or Attachment to be had or made, if then there be any ſuch perſon known, the ſumme of ten pounds for every ſuch offence; and that all ſuch perſons damnified thereby ſhall have their remedy in any Court of Record by Bill, Plaint, or Action of Debt, for all damages, &c. wherein there ſhall not be any Eſſoyn, Protection, or Wager of Law allowed the Defendant. See *Stat.* 13. *Ed.* 1. 36.

The Penalty of cutting of Purſes

(E) *Stat.* 8. *Eliz.* 4. Whereas there are a certain people of a Fraternity or Brother-hood, that puts in practice that art or myſtery of cutting of Purſes, and that do combine ſecretly to ſpoyl the true ſubjects of this Realm; Be it therefore Enacted, that whoſoever be found guilty of taking away monies, &c. in ſuch ſort from any perſon or perſons, ſhall not have the benefit of Clergy. See Chap. 12. (5) 39. (A.)

Sheriffs Fees for executing Executions, &c.

(F) *Stat.* 29. *Eliz.* 4. Be it Enacted by this preſent Parliament, That it ſhall not be lawful for any Sheriff, or Bayliff of Franchizes, or Liberties, or any of the Officers, or Deputies, nor any of them, by colour or reaſon of their, or either of their Office, or Offices, to have, receive, or take of any perſon whatever directly, or indirectly, for the ſerving, and executing of any extent, or execution upon the body, lands, goods, or chattels of any perſon, or perſons whatſoever, more, or other conſideration, or recompence than as in this preſent Act ſhall be limited and appointed, which ſhall be lawful to be had, received, and taken, that is to ſay, twelve pence of, and for every twenty ſhillings where the ſumme exceedeth not one hundred pounds; and ſix pence of, and for every twenty ſhillings being over and above the ſaid ſumme of one hundred pounds, that he or they ſhall levie, or extend, and deliver in execution, or take the bodie in execution for, by vertue and force of ſuch extent,

tent, or execution whatſoever, upon pain and penalty, that all and every Sheriff, &c. that do the contrary, ſhall loſe and forfeit to the party grieved, his treble damages, and ſhall forfeit forty pound for every time ſo offending, the half thereof to the Queen, and the other to the party ſuing, by Bill, Plaint, Action, or Information, wherein no Eſſoyn, Wager of Law, or Protection ſhall be allowed. This Statute not to extend to any City, or Town Corporate.

The poor to be ſet on work.

(G) *Stat.* 43. *Eliz.* 2. Be it Enacted by this preſent Parliament, and the Authority thereof, that all poor be ſet on work by the Church-wardens or Overſeers, and ſuch as will not work, being able, ſhall be ſent to the houſe of Correction. See Chap. 38. (A.C.)

Sheriffes puniſhable for falſe Arreſts, &c.

(H) *Stat.* 43. *Eliz.* 6. For the avoyding many Suits commenced, according to the due courſe of the Laws of this Realm, to the intollerable vexation and charge of her Highneſſe ſubjects; Be it Enacted by Authority of this Parliament, if any Sheriff, or other perſon, having Authority, or taking upon him to break Writs, or make any Warrant for the ſummoning of any perſon upon any Writ, Proceſſe, Suit, or for Arreſt, or Attaching of any perſon or perſons by his, or their body, or goods to appear in any of her Majeſties Courts at *Weſtminſter*, or elſewhere, not having before, that originall Writ or Proceſſes warranting the ſame, that then upon complaint made to the Juſtices of Aſſize of the County where the ſame offence ſhall be committed, or to the Judges of the Court, out of which the Proceſs iſſued, not only the party that made ſuch Warrant, but all thoſe that were the procurers thereof, ſhall be ſent for before the ſaid Judges or Juſtices by Attachment, or otherwiſe, as the ſame Judges or Juſtices ſhall think good, and allow of, and be examined thereof upon their Oaths;

and if the ſame offence be confeſſed by the ſame offenders, or proved by ſufficient witneſſes to the ſatisfaction of the ſame Judges or Juſtices, that then the ſame Judges or Juſtices that ſhall ſo examine the ſame, ſhall forthwith by force of this Act commit every of the ſame to the Gaole, and there ſhall remain, without Bayl or Mainprize, untill ſuch time as they amongſt them have fully ſatisfied, and paid unto the party grieved, by ſuch Warrant not onely the ſumme of ten pounds, but alſo all coſts and damages, as the ſame Judges or Juſtices ſhall ſet down, that the ſame party hath ſuſtained thereby, and withall twenty pound a peece for their offence to her Majeſty 21. King *James* Chap. 16. 3. King *Charles* Chap. 4. *Dyer*, fo. 244.

King James.

(A) UPon the ſeventh day of *May* in the firſt year of K. *James* a Proclamation was proclaimed throughout *London*, for to ceaſe all exactions, all Monopolies, and all Protections whatever, that was againſt the common good, and that hindred mens Suits at Law alſo forbidding oppreſſion.

Stabbing or Thruſting.

(B) *Stat.* 1. King *James* 8. It is Enacted that if any perſon or perſons ſhall Stab or Thruſt any perſon or perſons, that hath not then any weapon drawn, or that hath not then firſt ſtricken the party, which ſhall ſo ſtab or thruſt, ſo as the perſon or perſons ſo ſtabbed or thruſt, ſhall thereof dye within the ſpace of ſix months then next following, although it cannot be proved that the ſame was done of malice fore-thought; yet the party ſo offending, & being thereof convict by the verdict of twelve men, confeſſion, or otherwiſe according to the Laws of this Realm, ſhall be excluded from the benefit of his, or their Clergy, and ſhall ſuffer death as in caſe of wilfull Murder. Stat. *Homicide* (24.)

Attornies abuſes remedied &c.

(C) *Stat.* 3. King *James* Chap. 7. Be it Enacted for redreſſe

dreſſe of ſundry abuſes committed by Attornies, and Solicitors, by charging their Clients with exceſſive Fees, and other unneceſſary demands to the great prejudice of the Sergeant and Councellor at Law, who is greatly ſlandered, and to work the private gain of ſuch Attornies, and Solicitors, the Client is often extraordinarily delayed; Be it Enacted that for the future, that no Attorny, Solicitor, or ſervant to any ſhall be allowed from his Clyent or Maſter, of, or for any Fee given to any Serjeant or Councellor at Law, or of, or for any ſumme or ſummes of mony given for copies to any Clerk or Clerks or Officers, in any Court of Record at *Weſtminſter*, unleſſe he have a Ticket ſubſcribed with the hand and name of the ſame Serjeant, Counſellor, Clerk, or Clerks, or Officers aforeſaid, teſtifying how much he hath received for his Fee, or paid, or given for copies, and at what time, and how often; And that all Attornies and Solicitors ſhall give a true bill unto their Maſters or Clyents, or their Aſſigns, of all other charges concerning their Suits, which they have for them, ſubſcribed, with their own hand and name, before ſuch time, as they, or any of them ſhall charge their Clyents with any of the ſame Fees or Charges; And that if any Attorney, or Solicitor do, or ſhal willingly delay his Clyents Suits to work his own gain, or demand by his Bill any other ſumme of mony, or allowance upon his account of any monies which he hath not laid out, or diſburſed, that in every ſuch caſe the party grieved ſhall have his action againſt ſuch Attorney or Solicitor, and ſhall recover therein coſts and treble damage; and the ſaid Attorney or Solicitor ſhall be diſcharged from thenceforth from being an Attorney or Solicitor any more. See Chap. 58. (A)

All Monopolies and Diſpenſations, with penal Laws ſhall be void.

(D) *Stat.* 21. K. *James* Chap. 3. For as much as your moſt Excellent Majeſtie, in your Royal judgement, and of your bleſſed diſpoſition to the weal and quiet of your ſubjects, did in the year of our Lord God, 1610. publiſh in Print to the

the whole Realm, and to all posterity, that all Grants, and Monopolies, and of the benefit of any penal Laws, or of poor to dispence with the Law, or to compound for the forfeiture, are contrary to your Majesties Laws, with your Majesties Declaration, which is truly consonant and agreeable to the ancient and fundamental Laws of this your Realm; And whereas your Majesty was further graciously pleased, expressly to command, that no Suitor should presume to move your Majestie for matters of that nature; yet nevertheless upon Mis-information, and untrue pretences of publick good, many such Grants have been unduly obtained and unlawfully put in execution, to the great grievance, and inconvenience of your Majesties subjects, contrary to the Laws of this your Realm, and contrary to your Majesties Royal and blessed intention so published as aforesaid; for avoiding whereof, and preventing the like for the time to come; May it please your most Excellent Majestie at the humble Suit of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, that it may be declared, and enacted; And be it declared and enacted by Authority of this present Parliament, That all Monopolies, and all Commissions, Grants, Licences, Charters, and Letters Pattents heretofore made, or granted to any person or persons, bodies Politick, or Corporate whatsoever, of, or for the sole buying, selling, making, working, or using of any thing within this Realm, or of any other Monopolies, or of Power, Liberty or faculty to dispence with any other, to give licence or toleration to do, use, or exercise any thing against the tenure, or purport of any Law or Statute, or to give, or make any Warrant for any such Dispensation, Licence, or Toleration to be had or made, &c. And all Proclamations, Inhibitions, Restraints, Warrants of assistance, and all other matters or things whatsoever, any way tending to the instituting, erecting, strengthning, furthering, or countenancing of the same, or any of them are contrary to the Laws of this Realm, and so are, and shall be utterly void, and of none effect, and in no wayes to be put in use or execution, &c.

Be

Be it further Enacted,&c. that all perſon and perſons bodies Politick and Corporate whatſoever, which now are, or hereafter ſhall be,ſhall ſtand, and be diſ-abled and uncapable to have,uſe, exerciſe or put in eure any Monopoly, or any ſuch Commiſſion, Grant, Licence, Charter,Letters Pattents, Proclamations, Inhibition, Reſtraint,Warrant of aſſiſtance, or other matter or thing tending as aforeſaid,or any liberty, power, or faculty grounded, or pretended to be grounded upon them,or any of them.

The party grieved by pretext of any Monopoly,&c. ſhall recover his or their treble damages, and double coſts, &c. and he that delayeth an action grounded upon Statute, incurs a premunire, which is expreſt in the 16. *Rich.* 2. 5. ſhall be put out of the Kings Protection, and their Lands and Tenements, Goods, and Chattels forfeit to our Lord the King, and their bodies to be attached to anſwer the King, &c. (Charters granted to Corporations ſaved) Letters Pattents to uſe new Manufactures ſaved.) Grants confirmed by Acts of Parliament ſaved.) Warrants granted to Juſtices ſaved.) Letters Pattents that concern Printing, Salt-peter, Gun-powder, great Ordnance ſhot, or Offices ſaved.) Nor ſhall this Statute extend to void Commiſſions for Allum-Mines, nor to the Licences of keeping Taverns, making glaſſe, tranſportation of Calves-skins, nor for making Smalt, nor for melting Iron evre, with Sea-Coal,&c. Provided alſo, and be it Enacted, That this Act or any Declaration,proviſo, penalty, forfeiture, or other thing before mentioned, ſhall not extend, or be prejudicial to any uſe, cuſtome, Preſcription, Franchize, Freedome, Juriſdiction, Immunity, Liberty, or Priviledge heretofore claimed, uſed, or enjoyed by the Governours, and Stewards, and Brethren of the Fellowſhip of the Hoaſt-men of the Town of *Newcaſtle* upon *Tyne*, or by the ancient Fellow-ſhip, Guild, or Fraternity commonly called Hoaſt-men, for, or concerning the ſelling, carrying, lading, diſpoſing, ſhipping, venting, or trading of, or for any Sea-coals, Stone-coals, or Pit-coals, forth, or out of the Haven, and River of *Tyne*, or to a Grant

made by the ſaid Governor, and Stewards, and Brethren of the fellowſhip of the ſaid Hoaſt-men to the late Queen *Elizabeth*, * of any duty or ſummes of money to be paid for, or in reſpect of any ſuch Coals, as aforeſaid. Here the Reader may ſee that all theſe excepted except to the Juſtices, are allowed to be Monopolies, and this laſt the greateſt that ever was. See Chap. 11. Chap. 8. (A) Chap. 21. (A) Parliament 1640.

*This is the Grant of 18 per Children, that they make the Nation pay, &c.

Informations upon penal Statutes ſhall be proſecuted in the Counties where the offences are committed.

(E) *Stat.* 21 K. *James* Chap. 3. Be it Enacted that all informations upon penal Statutes ſhall be proſecuted in the Counties where the offences were committed, &c. upon default of proving that the offence was committed in the ſame County, the Defendant ſhall be found not guilty, &c. the Informer ſhall make oath, that the offence was committed in the ſame County, where the Suit is commenced, &c. The Defendant in an information upon a penal Statute may plead the general iſſue, that they are not guilty, &c. Certain offences there be excepted, but may be tried elſwhere, &c.

This Statute was made in favour and eaſe of the people from coming to *London*, but it is the worſt Statute that ever was made, and much in favour of the offender, for the offender in Corporations and Sheriffs, are Judges, and Jurors in their own caſes, and the Informer caſt into priſon, when the Judges are coming to Aſſizes, &c. ſo the Judges cannot come to the knowledge of ſuch offences, and the offenders not puniſhed.

If that clauſe of the Statute were repealed, (which tyes all informations to be tryed only, and to be proſecuted in the ſame County, and this put in, that any may as well proſecute at *Weſtminſter*, as elſewhere would bring into the publick Revenew above a hundred thouſand pound *per annum*.

Limitations

Limitations of certain Actions for avoiding Suits in Law.

(F) *Stat.* 21. K. *James*, Chap. 16. Be it Enacted, That all Actions upon the caſe (other then for ſlander) Actions for Account, Actions for Treſpaſs, Debt, Detriment, and *Replevi* for Goods or Chattel, and the ſaid Action of Treſpaſs, *Quare clauſum fregit*, within ſix years next after the cauſe of ſuch Action, and not after.

Action of Treſpaſs of Aſſault, Battery, Wounding, Impriſonment, or any of them within four years next after the cauſe of ſuch Action, or Suit, and not after.

And Actions upon the caſe for words within two years next after the words ſpoken, and not after.

That no perſon do enter into any lands, but within twenty years next after his Right or Title, which ſhall hereafter firſt deſcend or accrue to the ſame, and in default thereof ſuch perſons ſo not entring, and their heirs, ſhall be utterly excluded and diſ-abled from ſuch entry after to be made, &c.

Provided that if any perſon or perſons be at the time of ſuch cauſe of action given or accrued, fallen, or come within the age of one and twenty yeers *feme covert*, *non compos mentis*, impriſoned, or be beyond the Seas, that then ſuch perſon or perſons ſhall be at liberty to bring the ſame Actions, ſo as they take the ſame within ſuch time as are before limited after their coming to, or being of full age, diſcovert, of ſound memory, at large, and returned from beyond the Sea, as other perſons having no ſuch impediments ſhould be done, *Stat.* 20. *Hen.* 3. 8. 3. *Ed.* 1. 38. 32. *Hen.* 8. 2. 1. *M.* 5.

The puniſhment of Drunkards.

(G) *Stat.* 21. K. *James* 7. *&c.* for preventing of that loathſome ſin of Drunkenneſſe, Enacted that for every time any was drunk, ſhould within one week after conviction by the Oath of one Witneſſe pay five ſhillings to the Church wardens of the Pariſh for the uſe of the poor, and for want thereof in monies, to be ſet in the Stocks ſix hours; And for the ſecond offence to be bound to the Good Behaviour. (See Chap. 55. (B.)

The Ale-houſe keeper, which doth not ſell by a full meaſure of a Quart ſhall, &c. and that ſhall keep any perſon, tipling above one hour, ſhall forfeit ten ſhillings, and all Brewers that ſhall deliver Beer, to houſes unlicenced, ſhall pay ſix ſhillings eight pence for every Barrel, &c.

King Charles.

The Petition of Right.

(A) *Ann.* 3 year of K. *Charles* upon the ſecond day of *March* 1627. The Lords Spiritual and Temporal, and the Commons aſſembled in Parliament read the Petition unto the King, the effect thereof was, That his Majeſty would declare and grant in open Parliament, that none might be compelled to make or yeeld any gift, loan, or benevolence, tax, or ſuch like charge, without common conſent by Act of Parliament.

That none be compelled to make anſwer, or take ſuch oath, or to give attendance, or be confined, moleſted or diſquieted for refuſal of that.

Nor Free-men be impriſoned or detained, it being the right and liberty of the ſubject, according to the Laws and Statutes of *England*, and to declare your Royal will and pleaſure, which the King did in theſe words (*Soit Droit fait come eſt deſire*) Let Right be done as is deſired) See 28. Chap. 30. (B) 38. (C) 41. (A) 51. (C) 43. (D.)

The Star-chamber and High-commiſſion Courts voted down.

(B) *Act.* 17. King *Charles*, The Parliament diſſolved the High-commiſſion, and Star-chamber Courts, with the Preſident, and Councel of the North, to the end to abandon all Arbitrary preſſures, conceiving them to be the greateſt of evils, the proceedings, cenſures, and decreaſe of thoſe Courts, have by experience been found to be an intolerable burden to the people, and the means to introduce an arbi-

trary

trary power and government, being contrary to the Laws and Liberties of the Land,&c. All which Courts and proceedings ſhall ſeaſe after the firſt of *Auguſt*, 1641. being abſolutely diſſolved and taken away,&c. Be it further Enacted and Declared, that neither his Majeſty nor Councel have, nor ought to have any Juriſdiction, Power or Authority by Engliſh Bill, Petition, Articles, Libel, or any other Arbitrary way whatſoever, to examine, or draw into queſtion, determine, or diſpoſe of the Lands, Tenements, Hereditaments, Goods, or Chattels of any of the ſubjects of this Kingdome, but that the ſame ought to be tried and determined in the ordinary Courts of Juſtice, and by the ordinary courſe of the Law, &c. And that from henceforth, no Court, Councel, or place of Judicature, ſhall be erected, ordained, conſtituted, or appointed within this Realm of *England*, &c. which ſhall have, uſe, or exerciſe the ſame, or the like* Juriſdiction, as is or hath been uſed, practiſed in the ſaid Court of Star-chamber. And be it Enacted, that if any who ever they be, ſhall put in practice any of the Courts above named practices, ſhall for ſuch offence forfeit five hundred pound for the firſt offence to the party grieved, one thouſand for the ſecond offence; and for the third offence, ſhall be from thenceforth incapable *Ipſo facto*, to bear office, and diſabled to make any Gift, Grant, Conveyance, &c. of any of his Lands, &c. nor to have any benefit of them, &c. and ſhall pay to the party grieved treble damages, to be recovered, &c. in any Court of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoyn, Protection, Wager of Law, Ayd, Prayer, Priviledge, Injunction, or order of reſtraint ſhall be in any wiſe prayed, granted, or allowed, nor any more then one Imparlence, &c.

It will do the Maſters of ſhips no harm to get five hundred pounds for every oath they are forced to ſwear againſt themſelves, to cut purſes, to be impriſoned without judgement of the Law, arbitrarily fined, &c. all being done by the Magiſtrates of *Newcaſtle*, &c. See Chap. 29. Chap. 26.

The Parliament.

Monopolies voted down, &c.

(A) 1640. The Parliament were then ſo zealous for the Nations weal, that ſeeing what heavy yokes of bondage the people ſat under by Monopolies, they fell to work on them, and voted down, the Pattents of Tyn, Soap, Lether, Salt, &c. as being infringers of the common right of the Free-born, And the pre-emption of Coals would have been the like, if any publick ſpirit had appeared and preſented that grand grievance, which more concerns the life of man then any of the other, but I hope God will do it in due time. See *Stat.* 21. King *James* 3. See Chap. 44. (E.)

All Trade prohibited to Newcaſtle *upon* Tyne, *&c.*

(B) 9. *Jan.* 1642. Ordained that all Trade to *Newcaſtle* upon *Tyne* for Coals, Salt, &c. be prohibited upon pain of forfeiture, and confiſcation of ſhip and goods, by reaſon that Town is conceived to be the principal inlet of all foreign Aid and Forces for ſtrengthning themſelves againſt the Parliament, tending to the deſtruction of the Laws and Liberties of *England*.

An Ordinance for a low price of Coals, &c.

(C) *Feb.* and *June* 42. and 43. Two Ordinances were made for ſetting a rate upon Coals at *London*, being ſo ſcarce, and enhanſed to ſuch a great rate, that all the poor were in a very ſad condition.

Propoſitions to reduce Newcaſtle, *&c.*

(D) 5. *June* 1643. An Ordinance for reducing *Newcaſtle* to the obedience of the Parliament, being garriſoned and kept by Papiſts, and other ill-affected perſons, whereby the whole Land ſuffers for want of Coals, ſo abſolutely neceſſary to the maintenance and ſupport of Life, which falls heavy upon the meaner ſort.

Upon the 20. of *June* the Lord Mayor, and Court of Aldermen,

dermen, and Common Councel of the City of *London*, met at Guild-hall, and undertook the reducing of that Town of *Newcaſtle* from their Malignancy upon the Propoſitions of Parliament, whereby they were to be repaid, both principle and uſe of all charges, out of the Gentlemens eſtates of *Northumberland*, and County of *Durham* (it was *ſumma injuria* that theſe Gentlemen ſhould be deſtroyed for the offence and wickedneſſe of that Corporation, who never yet ſuffered for the ſame, &c.)

Ordinances of Parliament.

(E) 12. *May* 1643. Ordained that there be a free and open Trade in the Ports of *Sunderland* in the County of *Durham*, and *Blithe* in the County of *Northumberland*, to relieve the poor inhabitants thereabouts by reaſon of the rapines, and ſpoyls thoſe enemies of *Newcaſtle* have brought upon them in thoſe two Counties, they all being in great want and extremity.

(F) 14. *Novem.* 1644. Ordained that a free and open Trade be had to *Newcaſtle* for Coals, Salt, &c. that Corporation being won by the ſword with the Scots, &c. Theſe are breviated in the Epiſtle to the Reader, &c.

Notwithſtanding all theſe ſad Events which that Corporation brought upon the people in thoſe Northern Counties, but the Mayor and Burgeſſes, moſt of which were the tranſgreſſors not in the leaſt ſorry, but ſtill doth with the higheſt hand of Arrogancy, and Pride tyrannize over the people in thoſe Counties, not admitting them to improve their eſtates, but caſts them into priſon, &c. The oppreſſed cryes for relief, and could never be heard.

(G) 17. *June*, 1649. An Act of Parliament paſſed for ſail of Kings Lands, and Queens, &c. by vertue whereof was ſurveyed in Lands, Mils, and Tenements to the value of two thouſand pounds *per annum*, and returned to *Worceſter* houſe, I leave the reſt to the Examiner, &c. the particulars, I have &c.

(H) 1650. An Act of Parliament conſtituting a Councel for regulating of Trade throughout *England*, &c. and

and were to ſit at White-hall, where there was a Legal Trial had againſt *Newcaſtle*, and were overthrown, as by the report which was drawn up by the ſaid Councel, to be reported tothe Parliament, as appears, &c.

(l) *Anno* 1653. The Parliament impowred a Committee for regulating of Trade and Corporations through *England*, &c. when more charge was brought in againſt the evill practice of the ſaid Corporation, appears, &c.

All that is deſired is a free Trade in the River of *Tyne*, according to the purport and true meaning of that *Stat.* 11 *Rich.*2.7. The taking away what is bad in that Corporations Charter, the River preſerved, and men from being impriſoned without judgement of Law.

Now to give ſome Reaſons againſt this Arbitrary Power.

AS Sir *Walter Raleigh*, being to give a Character of *Henry* the Eighth, prefaceth his Deſcription with this Introduction, *If all the Pictures and Patterns of a mercileſs Prince were loſt in the World, they might all again be painted to the life out of the Story of that King.*

So having given the world an account of the moſt unchriſtian, illegal, oppreſſive practices of the *Magiſtrates of Newcaſtle* upon the people of this Nation, whoſe either Neighborhood, or calling, or condition of life, neceſſitate them to an intercourſe with them, either by way of Traffique or any other way, though forced into that Port and Harbor, by diſtreſs of weather, tempeſt or any other accident incident to thoſe that go down to the Seas in Ships, and occupie their buſineſſes in the waters; Reflecting on their Actions, I may ſafely ſay of them as that *Noble Knight* did of that King, *If all the Pictures and Patterns of a cruell and mercileſs people were utterly loſt in the world, they might be all painted to the life out of this Narrative*, ſetting out the illegal Oppreſſions, arbitrary Exactions, barbarous Murthers practiſed and committed by the *Magiſtrates of Newcaſtle*, both on their Neighbors, and the free people of this Nation.

There are two Rules or Canons in Scripture upon which all the Commandements of the ſecond Table (and conſequently, all the duty of man to his Neighbor) do depend.

The Firſt is, *Quod tibi fieri non vis alteri ne feceris*, *What thou wouldſt not have another do unto thee, that thou oughteſt not do unto another.* This Rule well obſerved prevents all injury

and wrong: for while a man frames his own actions towards his Neighbor, according to that pattern which in his own breast he shapes to his Neighbor to perform unto himself, hee will do no injury, because he would *receive no injury*; and this is the ground of that Command or Precept of our Saviour, *Thou shalt love thy Neighbor as thy self.*

The second Rule is, *Whatsoever yee would that men should do unto you, even do yee unto them, Mat.7.12.* and this rule stirs us up to all beneficence, and doing good to our Neighbor: for as to prevent injuring another man, a man should aske himself, would I that another man should do to me, as I am about to do unto him? and so, *love* to *himself* will prevent hatred to another; So to confer favors, and to do good unto another, a man should aske himself, would I require this boon, this favor, this good turn from another, if I stood in need of it as my Neighbor doth, and I were in his condition? and would the granting, or doing this favor, be most acceptable to me, and lay an eternal obligation upon me? Hence love to a mans *Self*, will kindle his bowels of compassion to his *Brother*, and will dispose him willingly to do that good unto another, which, if occasion served, he would willingly *receive* from another.

These men of *Newcastle* regulate themselves in all their actions here charged upon them, and fully proved by oath of men of undoubted integrity, neither by the one Rule nor by the other; for they *do* not onely *do* those *injuries* and *wrongs* which they would not *take*, but they deny those favors which they would, if occasion served, willingly receive; Nay, they do not onely deny to do those favors themselves, which not onely by the *Law of Christian Charity*, but even by the *Dictate of Nature*, and *common Humanity* they are bound to perform, but they *hinder* and *deter* those that would do them, and violently prosecute, fine and imprison those who have relieved *them*, and without their present help, had shipwracked in the very Haven, and perished under the expectation of a delayed assistance.

I shall not accuse all *Incorporations* as established Monopolies,

polies, but certainly, the Corporation of *Newcaſtle*, as it is managed by thoſe men, is of all *Monopolies* the moſt oppreſſive, and conſequently the moſt odious *Monopolie*, rendred ſo by thoſe injurious, deſtructive, illegal privileges, which againſt all Law of God and man, they have made and indulged to themſelves, and accordingly are rigorouſly practiſed by them: But that their monſtrous practices may more clearly appear to all the world, what hath been ſcattered and divided by neceſſary interweaving of Proofs, and Depoſitions, Statutes and Laws, and other Supplements, I ſhall here contract into a narrow compaſs, and preſent them *Brevi quaſi Tabellâ*, unto the view of the world. Their Tyranny and Oppreſſion may be reduced to theſe heads.

It would not be amiſs for the honeſt Burgeſſes to proteſt againſt the diſhoneſt, to the end, the innocent may not ſuffer for the nocent; their Oath is not to uphold ſuch actings.

First, *Falſe Impriſonments* without any tryal of Law, or offence committed; (pag. 72. 89. 58. 76. 84. 87. 93. 85. 103. 59. 81. 106. 90.) When the Chief Prieſt and Elders of the Jews deſired *Feſtus* on their Information barely to paſs ſentence upon St. *Paul* (though a Heathen Judge) he returns them this anſwer, *It is not the manner of the Romans to deliver any man to die, before that he which is accuſed have the accuſers face to face, and have licence to anſwer for himſelf*, *Act.* 25. 16. On the unjuſtice, and unreaſonableneſs of this courſe doth *Nicodemus* oppoſe the Chief *Prieſts* and *Phariſees* in the behalf of *Chriſt*, *Doth our Law* (ſaith he) *judge any man before it hear him, and know what he hath done*, *John* 7. 51. (p. 163. G.) This way of proceeding in Judicatory is moſt repugnant both to the Law of *Nature*, as you ſee in the *Romans Law*, and alſo to the Law of God, which poſitively determines, *One witneſs ſhall not riſe up againſt a man for any iniquity, or any ſin that he ſinneth, At the mouth of two or three witneſſes ſhall the matter be eſtabliſhed*, *Deut.* 19. 15. And if God would not have any man to be condemned in any Judicatory by the teſtimony of *one witneſs*, but by the joynt atteſtation of two or three at leaſt, as is evident by this Text of Scripture, and by many concurrent places of divine Writ, as *Numb.* 35. 30. *Deut.* 17. 6. *Mat.* 18. 16. *John* 8. 17 *Heb.* 10. 28. 2 *Cor.* 13. 1. How much leſs would God approve of ſuch tyrannical

proceedings to condemn a man without any witness at all, or ever permitting the person accused to take up an *Apology* or just defence for himself.

Secondly, *Forcing men to swear against themselves*, (pag. 60. 72. 86. 87. 88. 91. 92. 103.) How highly were the hearts of this Nation inflamed? what indignation did they conceive against the practices both of the *Star Chamber*, and *High Commission*, heretofore (pag. 87.) as laying an unsupportable yoak upon the necks of the people by the tender of the *Oath ex Officio*? Hath all the Nation freed themselves from this bondage by a good Law, so that elsewhere no man is compelled to testifie against himselfe, or where other witnesses fail; inforced to accuse himself? And must they onely that come under the Jurisdiction of the Magistrates of *Newcastle* remain inslaved under the same bondage? Is this Tyranny lawful at *Newcastle*, that is exploded and cast off every where else?

Nay, that which infinitely heightens their oppression and wickedness, is this, That those Reasons which were alleged to justifie this practice, (pag. 188 88. 87. 86. 103.) both in the *Star Chamber*, and *High Commission*, have no place of pretension here. There the *zeal of Justice*, to let no sin go unpunished; and the *Glory of God*, in the sinners Confession, and accusing of himself, as *Joshua* abjured *Achan*, *My Son, give I pray thee glory to the Lord God of* Israel, *and make confession unto him; and tell me now what thou hast done, hide it not from me*, Josh. 7. 19. was alleged as an instance to justifie their proceedings, where otherwise the Offender could not be discovered, either by evidence of the Fact, or testimony of witnesses. But here by an Oath they compel men to reveal the secrets of their hearts to rise up in Judgement against themselves, for no other end, but by their own confession, to make them guilty, and then invade their fortunes. First, They make themselves *Masters of their Consciences*, (pag. 86. 107. 99.) And by that make themselves *Masters of their Estates*. *Covetousness*, and not *zeal of Justice*, or *Gods Glory*, is the principle from whence they act.

Thirdly,

Thirdly. Imposing Fines Arbitrarily (p. 23. (F) 31. (R) 44. 60. 84. 87. 90. 91. 93. 117. 24. 109. 110. 92. 16.) and *then no* wonder if they be excessive, exceeding both the Merrit of the crime pretended, or the ability of the Offender. How great a temptation is it to Justice, to be severe and ridged in its sentence, when the punishment of the Offendor is the inriching of them that passe the sentence? (nay the Judges themselves are the grand Offenders and goe unpunished, (p. 77. 78. 79.) and so it is here at *Newcastle.* (p. 81. (Q) p. 91. (C) p. 90. (H) p. 103. (D) p. 110.) One reason that induced some *sages of the Law* to affirme that the latter *Kings* of *England* had evested themselves of their power to sit *Personally* in their Courts of Justice, and deligated it to, and invested the *Judges* of the respective Benches therewith, was, because in *Imposing of Fines* the King was both a Judge and *party interested*, not only as the *fountain of Justice* to be administred unto the people, but as the person into whose exchequers and treasury, the laws of *England paid their Fines.* But the Magistrates of *Newcastle* injoy those privileges, which were thought unbeseeming the Kings of *England.* They are both *Judges* and *Parties.* They *estimate* the *offence*, and *receive the fine*, and then how frequently *covetousnesse* and *self-interest*, sit on the Bench in the place of Justice, (p. 35.) the world may easily Judge; as appeares in the case of *Lewis Frost*, and unjust Judge *Bonner*, hee having two pence halfpenny of all ballast, and the other Catchpole *Bonner* to arrest the refusers.

Fourthly. Obstructing all indeavours for grant of a Market at *North-sheilds*, six miles from *Newcastle*, and in another County, and 12 miles from any other Market in the same County, and then robbing people of their commodities, in their own markets, and seizing on goods carried through their Town, alledging *Forraigne bought and Forraigne sold.* Markets were for conveniences, and not for ingrossing all provisions and peoples lives (p. 87.)

Pag. 70, 99, 101, 102, 104, 106, 155, 166.

Fifthly, For imprisoning poor Artificers (p. 84. 85. 80.) for working in their own Trades, at the Town of *Sheilds*,

though in another County, and detaining them untill they enter into bond never to work there again, which is to engage themſelves to abandon and renounce that calling wherein they were brought up, to expoſe themſelves, their Wives and Children to want and beggery, or elſe to turn vagabons, (p. 181.) and deſert the place of their habitations, being by theſe mens tyranny, *neceſſitated* to leave their *Callings* or their *Dwellings*; what ſad fate hangs over the poor Inhabitants of this Town, to be deprived of the Common privileges of *Engliſh* men, ſhall I ſay? nay deſpoyled of the Common privileges of mankind, *In the ſweat of their browes to eat their own bread*, Geneſis 3. 19. *and to yeild obedience to that precept of St. Paul. Let him labour, working with his hands the thing that is good, that hee may have to give to him that needeth*, *Epheſians* 4. 28. Or that of the ſame Apoſtle 1. *Theſ.* 4. 11. and 2. *Theſ.* 3. 10, 11, 12. The Character of *Newcaſtle*, or rather *indeed* the uſurped power of the Magiſtrates there, ſupercedes the Commandements of God, *Let every man*, ſaith St. Paul, *abide in the ſame Calling wherein hee is called*, 1. *Cor.* 7. 20. If hee doth, ſay the Magiſtrates of *Newcaſtle*, *hee ſhall not abide in Sheilds*, nor in the *Neighbourhood of our Corporation*: as if they were a limbe of the *Beaſt*; *ſo that no man may work*, (p. 72. 165.) *or buy, or ſell, ſave hee that hath their mark.* Revel. 13. 17. That is, unleſſe hee be a Member of that freedome, which ingroſſeth ſo much freedome to themſelves, that they leave no freedome at all to their poor Neighbours. (p. 104.)

Sixtly, (p. 69. 70. 76. (A) 84. 85. 73.) Impriſoning all that are not free of their Corporation that ſhall indeavour to ſave ſhips in diſtreſſe, from periſhing in the River, and when they are ſunk for want of help, ſeizing the goods of the Maſters, & alſo impriſoning their perſons (72) many months. Let the world, whereſoever it is moſt ſavage, moſt barbarous, ſhew ſuch an inſtance of ſuch an aggregation of injuſtice, oppreſſion and cruelty as this, and (as wee ſay, let them *carry their coals*) *If not to ſave life bee to kill, and if not to doe good when an opportunity is offered unto us,*

is

is to doe evill, as in our *Saviours* Doctrine certainly it is, *Mark* 3. 4. Then not to ſave a ſhip (p. 165.) I and perhaps the Mariners and paſſengers lives too (72) when they have an opportunity, nay when they are earneſtly intreated, and their help implored, is in Gods accompt all one as if they had ſunk the ſhip and drowned the men, (p. 80.) Hee that doeth not prevent a miſcheif when it is in his power to doe it, is in Gods accompt the contriver and the Author of it; but that which is the great aggravation of their oppreſſion in this kind, and heightneth it beyond any parallell is, they deny all help to ſhips in diſtreſſe (p. 71.) that ſo making ſhip-wrack (p. 18. 19. 70. 71. 72. 81. 73. 75. 84.) That which in this is uſually alleged to take off from the horridneſſe of their Tyranny is (viz.) That they muſt ſend for help from *Newcaſtle*, ſignifies nothing, *Newcaſtle* being 7 miles from that Harbour of *Sheilds*. Whilſt the graſſe grows the ſteed ſtarves, as the proverb tells us, and while help is expected the ſhip is loſt.

If theſe men could command the wind and Seas, not to rage and ſwell, but be huſhed into a calme, and the River kept from friezing (p. 59. 78. 102. 105. 72. 74. 75. 76. 77. 78. 79.) untill they ſent down help from *Newcaſtle*, their reply might be admitted; but ſince the Wind, Sea and Ice, are not controllable by their charter, What abominable Tyranny: what ſavage inhumanity, is it to deny ſhips in diſtreſſe, ſuch help as is at hand, to preſerve themſelves? Caſes of neceſſity make voyd proprieties, that which without the caſe of neceſſity is theft; In the caſe of neceſſity is not theft.

Men doe not diſpiſe a theif, if hee ſteale to ſatisfy his ſoul when hee is hungry, *Proverb*: 6. 30. and the Law ſaith, when thou comeſt into thy Neigbours vineyard, thou maiſt eat grapes thy fill at thine own pleaſure, *Deut*: 23. 24. In caſe of extreame neceſſity, that all things are Common, is the joynt opinion of all *Divines*. This is the Law of *Nature*, and therefore not to be over-ruled by any poſitive Law, of any Kingdome or Common-wealth; for in theſe caſes of extream

extream neceſſity, the perſon in this condition, taking that which is anothers, is not guilty of theft, for *Jure ſuo utitur*, as the Caſuiſts determine, hee doth but make uſe of his own right; nor doth it come under the definition of theft, which is, *taking away that which is another mans, without his conſent*: for as neceſſity alters the property, and makes it his own, ſo while he makes uſe of his own right, the other *tenetur conſentire*, is bound to give his conſent, and to acquieſce in the others injoyment of it. And therefore in all poſitive Laws whereby property is diſtinguiſhed, there is none of them, which hold in caſe of *extream Neceſſity*: and ſhall *extream Neceſſity* entitle a man to a part of another mans reall poſſeſſion, by which there is *Damnum emergens*, ſome dammage or diminution of the goods and poſſeſſion of the owner, and yet free the invador from all imputation of injuſtice or uſurpation?

And ſhal not a poor Maſter of a ſhip in caſe of *extream Neceſſity*, (p. 72. 71. 102. 73. 69. 74) diſpence with the Privileges, and Charter of *Newcaſtle*, which at moſt, can be but *lucrum ceſſans*, a ſuſpenſion of their Privileges and gaine, and make uſe of ſuch helps for his preſervation as providence affords, without running the danger of ſending for, and waiting the help from *Newcaſtle*, without the ruine of thoſe that ſave him? ſhall not *extream Neceſſity*, which is an *Apology* for all the world, bee his juſt *Apology*, to plead his excuſe in this caſe, and free him and his helpers from the tyranny and perſecution of the Magiſtrates?

3. The prophet *Iſaiah*, tels us of ſome Magiſtrates that were companions of theeves, *Iſaiah* 1. 23. *Ezekiel* tels us of others, that were like *evening Wolves, ravening for their prey*, *Ezekiel* 22. 27. and *Zephany*, of others, that were, *like roaring Lyons* Zeph: 3. 3. if any man doubt, whether theſe Characters of oppreſſive Magiſtrates, b: applicable to theſe of *Newcaſtle*, I ſhall ſay no more to them, than our *Saviour* did to *Nathaniel* in an other caſe, *come and ſee*. Joh. 1. 46.

Seventhly. Prohibiting Gentlemen and others in the Counties both of *Northumberland* and *Durham*, to ſell their coales

Coals to ships to be transported to *London*, compelling all owners of Collieries, to sell their Coals to themselves first, if any shall presume to sell their Coals immediately to the ships, without taking *them* in the way, they seize upon such Coals, upon pretence that the owners of the Coals are not free of their Corporation, (pag. 20. 94. 92. 93. 95. 96. 97. 45. 78. 76. 75. 37. 190 162. D.) And if this be not a *Monopoly*, of as high a nature, and producing as ill effects, and those of as large extent, as any, that (to the great content and satisfaction of the Nation) hath been abolished, let the * world judge. A *Welch Pedigree*, doth not descend by more steps and degrees, than the propriety of their coals is varied, while it is derived from the *Owner of the Colliery*, unto him that at last buyes the commodity to spend it, as well Trades as others. The *Owners of Collieries*, must first sell the Coals to the Magistrates of *Newcastle*, the *Magistrates* to the *Masters* of ships, the *Master* of *ships* to the *Woodmongers* or *Wharfingers*, and they to those that spend them: Every change of the propriety adding to, and enhancing the price of the Coals, thus interchangeably bought and sold; which course, as it picks some money out of the purses of every man that buys Coals, besides bad* Coals being thereby vented, so it grinds the faces of the poor, who in these latter years, by reason mainly of this Monopolizing of them, have found it as hard a matter to fortifie themselves against cold, as against hunger, (p. 104.) Whereas, if the owners of every Colliery had free liberty to sell (p. 118.) his Coals to ships immediately, *Tinmouth Haven* would afford Two hundred thousand Chaldrons of Coals in the year more than now are vented, which would reduce the late exorbitant excessive rates of Coals in the City of *London* (p. 60. 75.) to under twenty shillings a Chalder all the year, Winter as well as Summer, and bring into the common Treasury above Forty thousand pounds *per annum*, (p. 57. 94 96.) Some owners of Coal-pits will rather let their pits be fired, like those at *Benwell*, and consume, than let their Coals to the Magistrates of *Newcastle*. If the Coal-owners in each

* Which now as the case stands the City is cheated in buying of Slate as well as Coals p. 45.

each County from whence all Coals come should be as refractory to the Magistrates in denying their Coals, as the Magistrates are to the Masters (pag. 97. 93. 92.) few or none would be brought to *London*, or any Revenue raised.

Eighthly, Forcing all ships up the River six miles, amongst dangerous Sands, Shelves, and the bulks of sunk ships (p. 69. 70, 71. 72, 78, 93) that so they may cast out their Ballast upon their Shoars, and all for the greedines of receiving eight pence for every Tun of Ballast, which hath occasioned the spoil and loss of many ships, to the utter undoing of the Masters and Owners of the ships, and the destruction of the lives of many poor Seaman, and Mariners, whose blood will be required at their hands who put them on those dangers in which they perished. Besides their choaking up the most part of that River, by forcing the Ballast up their Sandy hils near the said Town of *Newcastle*, many thousand Tuns whereof is blown and washed down into that River, (pag. 78.) They will neither preserve the River, nor let Doctor *Swinbourn* Vice Admiral for the County of *Durham* doe it, who hath fined some of the Magistrates hundreds of pounds for Damages, &c.

Lastly, Countenancing their Officers in their oppressions, nay, in their very murthers, as in the case of *Thomas Rutter* with others, who having forfeited their lives to *Justice* for *killing Ann* the wife of *Thomas Cliff* of *North-Shields*, was by their power and favor rescued from that death, which they justly deserved (p. 80.) God would not suffer his Altar to be a Sanctuary to a wilful Murtherer, neither would King *John* their Patron, (pag. 34.) *If a man come presumptuously upon his Neighbor to slay him, thou shalt take him from mine Altar, that he may die, Exo. 21. 14.* The Law of *England* defines what murther is, pa. 165. *Blood defileth the Land, and the Land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it, Numb. 35. 33.* When therefore God shall make inquisition, they *that staid him that offered violence*

violence to the blood of his Neighbor, and ſhould have gone to the pit, Prov. 20. 17. will be found to communicate in this murder, and involved in the ſame guilt with him that committed it, but the good God be merciful to them that have not approved or conſented to this wickedneſs; For *though our eyes did ſee this blood, yet our hands did not ſhed it*; and therefore let every one that would waſh his hands clean from that blood, pray, as God preſcribed, *Be merciful, O Lord, unto thy people* Iſrael, *whom thou haſt redeemed, and lay not innocent blood unto thy people* Iſraels *charge*, Deut. 21. 7, 8.

Thus have I given you a ſhort view of the tyrannical oppreſſive practices of the Magiſtrates of *Newcaſtle*, whoſe ſin receives no ſmal aggravation from their *Office* and *Calling*, in that they are *Magiſtrates*, whom God hath furniſhed with Authority to that end, that they might prevent and redreſs Injuries done by others, and *execute wrath upon evill doers*, *Rom.* 13. So that in their oppreſſions, they ſin againſt the very end of their Calling, they transform the very Image of Gods Power and Juſtice, which they ſuſtain, into the Image of Gods enemy, Satan, whom herein they reſemble, and become after a ſort wickedneſſes in high places, as the Devils are; for amongſt them, as much as any where, is that of *Solomon* verified, *I ſaw under the Sun the place of Judgement, that wickedneſs was there, and the place of righteouſneſs, that iniquity was there*, Eccleſ. 3. 16. And although attempts hitherto, and all indeavors for redreſs of theſe oppreſſive courſes, have proved abortive and fruitleſs, No man compaſſionating the people with *Saul*, ſo much as to aske, *What ayleth this people that they weep*, 1 *Sam.* 11. 5. No, after many addreſſes, Petitions, Remonſtrances, and Sutes at Law, being ſtifled by the inſtigation of corrupt perſons then in power, and obſtructed by the mutability and changes, we have too juſt reaſon to complain with *Solomon*, *Behold the tears of ſuch as were oppreſſed, and they had no comforters, and on the ſides of their Oppreſſors there was power, but they, the oppreſſed, had no comforter*, Eccleſ. 4. 1. Yet at this time we are not without good hopes, but that the cries of the poor and the op-

preſſed will enter into the ears and hearts of this preſent Power, That they will be as a *biding place from the winde, and a covert from the tempeſt, as Rivers of waters in a dry place, as the ſhadow of a great Rock in a weary Land,* Iſa. 32. 2.

But if our hopes now fail us, we muſt ſit down and ſigh out that of *Solomon, If thou ſeeſt the oppreſſion of the poor, and violent perverting of Judgement and Juſtice in a Province, marvail not at the matter, for hee that is higher than the Higheſt regardeth, and there be Higher than they,* Eccleſ. 5. 8.

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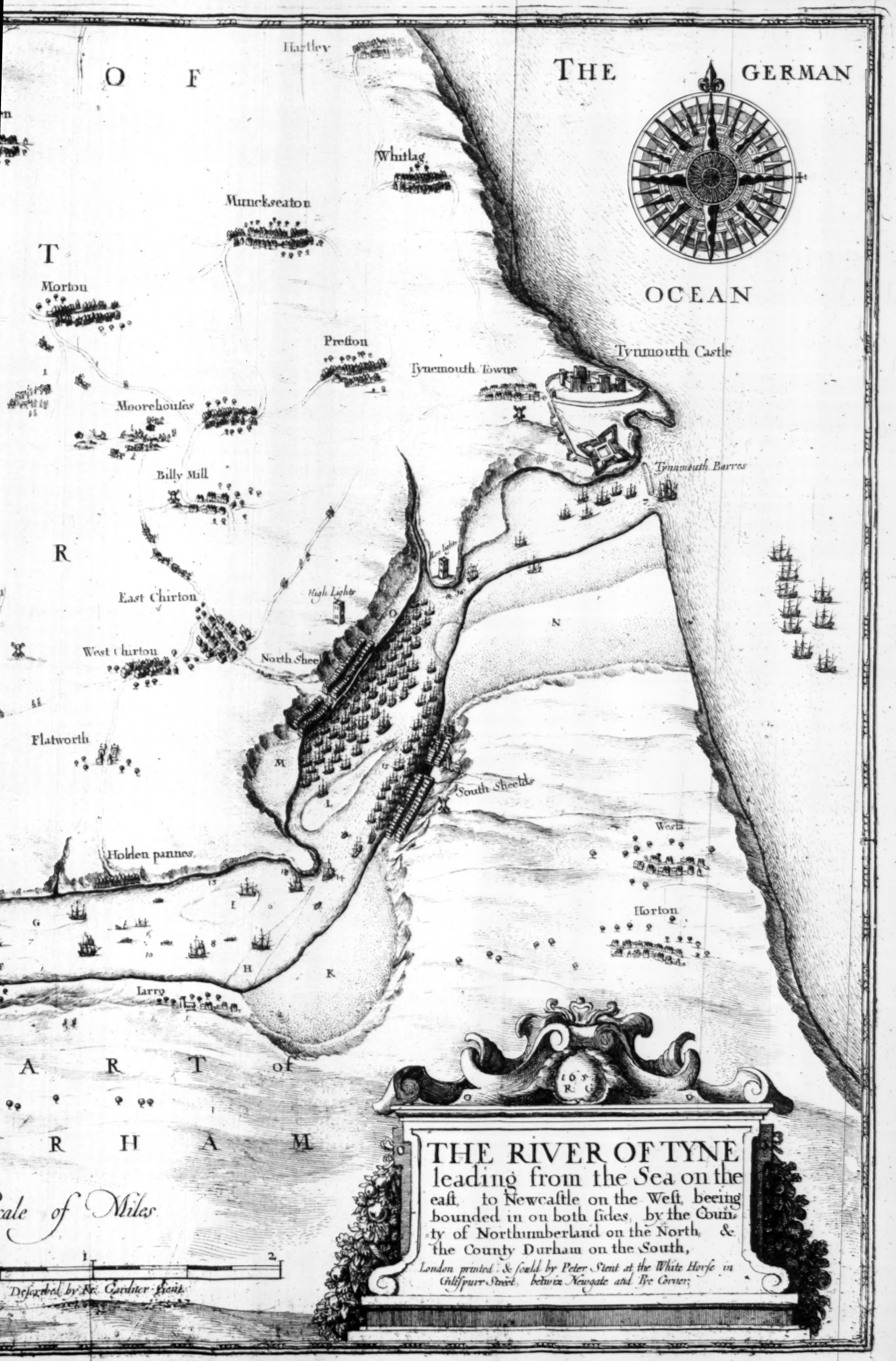
ERRATA.

Page 9. (A) line 7. for *Shelves*, r. *ſtreams*. p. 36. (B) l. 2. for *confirmancy*, r. *conſervancy*. p. 75. C) l. 4 for *worſes*, r. *Morſe*. p. 117. (M) l. 3. for *Princes*, r. *premiſes*. p. 197. l. 12 for *eveſted*, r. *diveſted*. p. 73. (F) l. 7. read *for 6. s. 8. d.*

FINIS.

A Towne Shore
B. St. Ridalls Shore,
C. Ballast Shore
D. Bill Shore
E. Pace Sand
F South road Sand
G North road Sand
H Iarro Sand
I Iarro middle ground,
K Iarro Slike
L. Dirtwik Sand
M. Coble Deane
N Hird Sand
O Another Ballast Shore
P. Bill Sand,
P A R T
Backworth
Earsden
Barrodean
N O R
Killingworth
Killingworth moore
Benton church
H V M B E
Longe Benton
Willington
Little Benton
L A N D
Walls end
Iesmond
NEW CASTLE
Heaton
Walker
Black Steath
Halfe way tree
Bicar
P
Heborne
D V
Dents hola
Gates head
S. Tantlins
Bill
W. Hollar fecit


THE GERMAN
OCEAN
Hartley
Whitlag
Munckseaton
Morton
Preston
Tynemouth Towne
Tynmouth Castle
Moorehouses
Billy Mill
Tynmouth Barres
Lee lights
High Lights
East Chirton
West Chirton
North Sheelds
Flatworth
South Sheelds
Westa
Holden pannes
Horton
Larro
A R T of
R H A M
Scale of Miles
1
2
Described by Fr. Gardner Gent.
THE RIVER OF TYNE
leading from the Sea on the
east, to Newcastle on the West, beeing
bounded in on both sides, by the Coun-
ty of Northumberland on the North, &
the County Durham on the South,
London printed & sould by Peter Stent at the White Horse in
Gilspurr Street, betwix Newgate and Pye Corner;

Jur
4°S.21.

Englands Grievance DISCOVERED,

In relation to the

COAL-TRADE.

WITH

The Map of the River of TINE, and Situation of the Town and Corporation of

NEWCASTLE.

THE

Tyrannical oppreſsion of thoſe Magiſtrates, their Charters and Grants; the ſeveral Tryals, Depoſitions, and Judgements obtained againſt them;

WITH

A Breviate of ſeveral Statutes proving repugnant to their Actings; With Propoſals for reducing the exceſſive Rates of Coals for the future; And the riſe of their Grants, appearing in this Book.

By *Ralph Gardiner* of *Chriton* in the County of *Northumberland*, Gent.

London Printed for *R. Ibbitſon*, in Smith-field, and *P. Stent* at the White horſe in Giltſpur ſtreet, without New-gate, 1655.

done by the punishment of Judges thereunto assigned by Inquest or Indictment, and called to answer the same out of their Town, which fine is to be leavyed by Attachment, and distress, and by exigent if need be, upon any Land or Tenements out of their Town, belonging to any of them.

King Edward the Sixth.

Edward borne at Hamton Court of the age of 9 yeares began his raigne the 31 of Ianu: 1546 Crowned the 20 of Febru: following he raigned 6 yeares 5 monthes died the 6 of Iulie buried at Westminster

Murder, &c.

(A) *Stat. 1. Edw. 6. 12.* It is Murder to strike with either blunt or sharp weapon, if the party dye within a year and a day, and the blows given upon malice, neither shall Clergy be allowed. See Chap. 36. (A.)

Victuallers, and Handicrafts-men.

(B) *Stat. 2. Edw. 6. 15.* For as much as Artificers Handicrafts men, and Labourers have made Confederacies, and mutually sworn, not onely that they should sell their victuals at a certain rate, and not to meddle with one anothers work, and finish that which others have begun, but also to appoint how much work they shall do in the day, and what hours, and times they shall work, contrary to the Laws and Statutes of this Realm, and to the hurt and great impoverishment of the Kings subjects; For reformation whereof, the King ordains, That if any Victuallers or Artificers aforesaid, shall at any time combine, conspire, or make any Oaths that they shall not sell their victuals at certain prices, or that Artificers shall not work, but as above said, being convicted, shall pay in six dayes ten pounds to the King, or twenty dayes imprisonment, and fed onely with bread and water, if he have not sufficient to pay the said Fine; For the second offence the Pillory, or twenty pound; And for the third offence, shal forfeit forty pounds, or else be set in the Pillory, and lose one of his ears, and shall be taken as an infamous man, and his sayings, and oath not to be credited in matter of judgement; And if any such Conspiracy, Covenant, or Promise be had, or made by any Society, Brother-hood, or Company of Craft-mystery, or occupation of the Mysteries afore-mentioned with the presence or consent of the most of them, that then immediately upon such act of conspiracy Covenant, or Promise, had, or made, over and besides the particular punishment before in this Act appointed for the offender, their Corporation shal be dissolved, to all intents, constructions,

ſtructions, and purpoſes; and that none do preſume to hinder any Free-Maſon, Rough Maſon, Carpenter, Bricklayer, Plaſterer, Joyner, Hard-hewer, Sawyer, Tyler, Pavier, Glaſier, Lymeburner, Brick-maker, Tyle-maker, Plummer, or Laborer born in this Realm, or made denizon, to work in the ſaid Crafts in any City, Borough, or Town Corporate, with any perſon or perſons that will retain him, albeit the ſaid perſons ſo retained, or any of them do not inhabit, or live in the ſaid Town, &c. nor be free of the ſame City, &c. any Statute, Law, Ordinance, or other thing to the contrary, upon forfeiture of five pound a time, half to the King, and half to the party ſuing, to be recovered by Bill, &c. no wager of Law, or protection allowed, &c. See Chap. 29. (E) 30. (F.) 56. (A.)

Robbing within a Market of a Fair, Booth, Tent, &c.

(C) *Stat.* 5. 6 *Ed.* 6. 14. Be it Enacted that no perſon or perſons which ſhall happen to be found guilty after the Laws of this Realm of, and for robbing any perſon or perſons in any Booth or Tent, in any Fair or Market, the Owner, his wife, children, or ſervant then being within the ſame Booth, or Tent, ſhall not be admitted the benefit of his, or their Clergy, but excluded thereof, and ſuffer death without conſideration, whether the ſaid perſons within, ſhall be ſleeping, or waking. See Chap. 47. (B) 49. (D) 51. (A) 11. (N.)

Fore-ſtalling, Regraters, Ingrocers.

(D) *Stat.* 5. 6. *Edw.* 6. 14. The Law being ſo good againſt theſe offenders, that I ſhall give *Poulters* Expoſition thereof, *viz.* They deſerve to be reckoned amongſt the number of Oppreſſors of the common good, and publick weal of the Nation, for they do endeavour to enrich themſelves, by the impoveriſhing of others, and reſpect not how many loſes, ſo they may gain.

They have been exclaimed of, and condemned in Parliament

ment from one Generation to another, as appears by many Statutes, at leaſt fourteen Statutes, eſpecially Fore-ſtallers, as appears by 34 *Ed.* 1. when it was ordained, that no Fore-ſtaller ſhould be ſuffered to dwell in any Town, for he is a manifeſt oppreſſor of the poor, and deceiver of the rich, a publick enemy of the Country, a canker, a moth, and a gnawing worm that daily waſteth the Commonwealth. And the name, and act of a Foreſtaller was ſo odious, that it was moved in Parliament to Enact that a Foreſtaller ſhould be bated out of the Town where he dwelt, by Dogs, and whipped forth with Whips (*Newcaſtle* would have been empty) and by this Statute it declareth who are offenders, and what puniſhment to be inflicted.

That whatſoever perſon or perſons, ſhall buy, or cauſe to be bought any Merchandize, Victual, or other thing coming by land, or water, towards any Fair or Market to be ſold in the ſame, or coming towards any City, Port, or Haven, Creek, or Road of this Nation, from any part beyond the Seas to be ſold.

Or make any Bargain, Contract, or Promiſe for the having or buying of the ſame, or any part of the ſame, ſo coming as aforeſaid, before the ſame Merchandize, Victual, or other things ſhall be in the Market, Fair, City, Port, Haven, Creek, or Road, ready to be ſold; Or ſhall make any motion by word, letter, meſſage, or otherwiſe to any perſon or perſons for the inhanſing of the price, or dear ſelling of any of the other things above mentioned; Or elſe diſſwade, move, or ſtir any perſon coming to the Market, or Fair to forbear to bring any of the things above mentioned to any Fair, or Market, City, Port, &c. to be ſold as aforeſaid, ſhall be adjudged a Fore-ſtaller, 13 *Eliz.* excepts Oyls, Sugars, Spices, Currans, or other foreign Victuals brought from beyond the Sea, Fiſh, and Salt only excepted.

A Regrator defined, what perſon or perſons ſhall by any means regrate, obtain, or get into his, or their hands or poſſeſſions in any Fair or Market within this Nation to be ſold, any dead Victual whatſoever brought thither for that purpoſe, and do ſell the ſame again in any Fair or Market holden

holden, or kept in the same places, or within any Market or Fair within four miles thereof, shall be reputed and taken for a Regrator, or Regrators.

An Engrosser is, he, or they which shall engrosse, or get into his, or their hands by buying, contracting by promise taking, other then by Demise, Grant, or Lease of Land, or Tythe any Corn growing in the Fields, or any other Corn or Grain, Butter, Cheese, Fish, or other dead Victuals whatsoever within the Nation; to the intent to sell the same again, shall be reputed and taken an unlawful Engrosser, or Engrossers.

If any person or persons shall offend in any of the things before recited, and being thereof duly convicted or attainted thereof by the lawes of this Nation, for the first offence shall suffer two months imprisonment without Bayl or Mainprize, and forfeit the value of the goods; For the second offence six months imprisonment, without Bayl or Mainprize, and lose double the value of the goods; and upon conviction of the third offence shall be set in the Pillory where he dwels in the same Town, and lose all the goods he, or they have, which was to their own use, and be committed to prison during the Kings pleasure, It is but *Mutatis, Mutandis*.

Every Justices of every County, is to enquire and determine of the offences in their Quarter-Sessions upon Inquisition, Presentment, Bill, or Information, exhibited, and proved by two Witnesses, the one half of the Fine to the King, the other to the party discoverer.

What Justice can be expected or had in *Newcastle*, the Mayors, Justices and Burgesses being the offenders, Judges, (P) Actors in their own causes, and must be tryed in the same County (T) themselves to have the Fines, as by Charter appears

See Stat. 21. K. *James* A. (T) See 10. Chap. (L) (P) Chap. 10. (R) (*) See Stat. 5. *Eliz.* 12.

The

The Town of Gates-head, and all Liberties given to Newcastle, &c.

(E) *Stat. 7. Edw. 6. 19.* There being Bishop of *Durham* elected, nor any Member of Parliament for that County, which the Mayor and Burgesses of *Newcastle* perceiving, petitioned the King, that the Town of *Gates-head* in the County of *Durham*, adjoyning to their Corporation, only the River of *Tyne*, between, being populous, and without Government, and often committing many outrages in their Town, and then got over the water into the Town of *Gates-head* unpunished, and that often they cast Rubbish into the River, and also that the Bridge went to decay very much, which belonged to that Town, humbly beseeching that his Majesty would be graciously pleased to incorporate that Town with them under their Government, with all its members, and Salt-meadows, and Park, and that it may be quite taken from the County of *Durham*, and all the people therein to become subordinate to their Laws.

Be it Enacted that the whole Town of *Gates-head*, with the Salt-meadows, the whole Water, and Bridge, with all the Liberties thereunto belonging, except the Common, which shall still remain to the inhabitants, be incorporated with *Newcastle*, and dis-joyned from the County of *Durham*, as *Newcastle* was from *Northumberland* by Charter.

RICHARD the 2. borne at Burdeaux Sonne to Edward Prince of Wales, began his Raigne the 21. of June Ad. Dom. 1377. he Raigned 22. yeares, was Deposed & died the 14. of February 1399. First buried at Langley in Hartfordshire, & afterwards at Westminster.

A Free Trade in all England.

(A) Stat. 11. Richard 2. 7. and the 14. Richard 2. 9. Be it Enacted that all Merchants, Aliens, and Denisons, and all other, and every of them, of what estate or condition they be, which will buy, or sell Corn, Wine, Avordepoize, Flesh,

Flesh, Fish, and all other Victual, or other Merchandizes, and all other things vendible, from whencesoever they come, in whatsoever place they please, be it City, Borough, Town, Port of the Sea, Fair, Market, or other place within this Realm, within Franchizes, or without, may freely, or without disturbance sell the same to whom they please, as well to Foreigners, as to Denizons, except to the enemies of the King, and of his Realm.

And if any disturbance be done to any such Merchant, &c. upon his sail of the same in any of the places aforesaid, the Mayor and Bayliffs of such Franchizes shall make remedy, but if they do not, and being thereof convicted, the Franchizes shall be taken into the Kings hand, and the party grieving shall make to the Merchant grieved, double damages.

And if such disturbance be out of the Franchized Towns, then the Steward or Bayliffe of such Lord, who is Lord of the Mannor, shall give right, or pay double damages, the party offending shall be imprisoned for one whole year, and that none such shall be disturbed, but shall freely buy and sell for his own use, or to the Kings, &c. except that the Merchant, Aliens, shall carry no Wines out of the Realm, as it is contained in their Charters.

And that the said things be holden, kept, and performed in every City, Borough, Town, Port of the Sea, or any other place notwithstanding any Charter of Franchize to them granted to the contrary, nor Usage, Custome, nor Judgement, given upon their Charters, Usages, nor Customes which they may alleage, which Charters, Usages, and Customes, the said King, the Grand-fathers, the Prelates, Earls, Barons, and great men, and Commons in Parliament aforesaid Holds, these said Charters, &c. of no force, and as being things, granted, used, and accustomed to the damage of the King, the Prelates, Earls, Barons, and great men of his Realm, and great oppression of the Commons, saving to the King, and to other the Customes due of the said Merchandizes.

And the Chancellor, Treasurer, and Justices, assigned to

hold the Pleas of the King in places where they come, shall enquire of such disturbances and grievances, and do punishment according as is before ordained.

And by a Statute made the 25. *Edw.* 3. 2. It was Ordained and Established, That the said Statutes made in the ninth year Chapter 2. in all Points and Articles contained in the same should be holden, kept, and maintained, &c.

And if any Charter, Letters Pattents, Proclamations, or Commandements, Usage, Allowance, or Judgement were made to the contrary, the same should be utterly repealed, avoyded, and holden for none.

And that it is free for any whatever, that brings any provisions whatever, to sell the same, or other Merchandizes, by Grosse or retail, either in the City of *London*, or any other Port, City, Borough, or Town-Corporate in *England*, without challenge, or impeachment, and to sell them freely to any that will buy the same, notwithstanding any grant whatever to the contrary notwithstanding, any Franchize, Custome used, since such Franchizes, and Customer, Usages, be in common prejudice to the King, and all people, &c.

And that no Mayor, Bayliff, Catch-pole, Minister, nor other shall meddle in the sail of any manner of Victuals vendible, brought to the places aforesaid.

And all men that will sue, may have a Writ out of the Chancery to attach him by his body that offends herein, as a disturber of the common profit, &c.

The King seeing clearly if the said Statutes were duly put in execution, would much extend to the profits and wealth of the whole Nation, do Ordain, and Establish, by assent of the Prelates, Dukes, Earls, Barons, great men, Nobles, and Commons in this present Parliament assembled, That the said Statutes, shall be firmly holden, kept, maintained, and fully executed in all Points and Articles of the same, notwithstanding any Ordinance, Statute, Charter, Letters Pattents, Franchizes, Proclamations, Commandements, Usage, Allowance, or Judgement be made or used to the contrary, it shall be utterly repealed, avoyded, and holden for none.

This

This Statute was obtained by a Petition (worth reading) from all the Nobles and Commons of *England*, as you may read in the ninth of *Edward* the third, Chapter the first, it laying open the great grievance of the whole Nation in Parliament, of Provisions, and other Merchandizes, being engrossed into private hands, and restraining all others from trading, but themselves, &c. See Chap. 29. (C) 30. (D) 32. (D) 35. (A) 38. (A) 51. (B. C.) This Statute revived, would make *England* as happy as *Venice*, for Riches, &c.

Merchant-strangers shall be well used.

(B) *Stat.* 14. *Rich.* 2. 9. Be it Enacted that Merchant-strangers, repairing into the Realm of *England*, shall be well and courteously, and rightfully intreated, and governed in the said Realm, to the intent that they shall have the courage to repair into the same. See Chap. 30. (B) 41. (A.)

The Duke of *Venice* by tollerating a free Trade, all the Nobility and Gentry trades in Merchandizings, which doth so improve his revenew, that it maintains his Wars without other Impositions, he being able to wage war with the most potentest Prince that is, &c.

No Customers to be Traders, nor to have parts of Ships.

(C) *Stat.* 14. *Rich.* 2. 10. The King ordains that no Customers, nor Controlers have any ships of their own, nor meddle with the fraught of ships, and to eschew as well the damage of the King, of his Customes, as the losse of the Merchants repairing to the Port, as well Aliens as Denizons; And that no Customer, Controler, Searcher, Waiter, or Finder have any such Office for terme of life, but onely as long as shall please the King, notwithstanding any Patent or Grant to any to the contrary, but such Pattents or Grants be repealed, and of no force, nor value. *Stat.* 27. *Rich.* 2. See Chap. (35.)

Statute of Mortmain.

(D) *Stat.* 15. *Rich.* 2. 5. Be it Enacted what Mayors Bayliffs, and Commons of Cities, Boroughs, and other Towns which have perpetual Commonalty, and others which have officers, that from henceforth they shall not purchase to them, and their Commons any Lands, &c. nor no religious, or other person what ever he be, do buy or sell, or under colour of gift or terme, or any other manner of title, any Lands, Tenements, upon pain of forfeiture of the same, whereby the said Lands, and Tenements, might have come to *Mortmain*.

Riots, Routs, &c.

(E) The 2. year, King *Rich.* 2. Riots, Routs, and unlawfull assemblies, have been so many times pernicious, and fatal enemies to the peace and tranquility of the Nation, that it did shake the foundation and form of State-Government, as that of a Collector of a Subsidy at *Dartford* in *Kent* in his dayes, in requiring but a Groat of a Taylor and his wife, grew to such a head of discontentment, and not being timely queld, became such a Rebellion, that it put the King in great hazard of his life, the burning of the City of *London*, the Nobles and Gentry, with the learned of the Law beheaded, and others in hazard of their lives and families overthrown, and the Records of Law burnt. *Wat. Tyler* was Captain. *See Hen.* 6. (B) See Chap. 37. (A.)

Queen

Maria nata Greenouici 11 febru: 1505
Incipit regnare 6 Iuli: 1553
Regnauit 5 annos et 9 mensis
Obyt annos nata. 42 et 9 mensis

The Town of Gates-head taken from Newcastle.

(A) *Stat.* 1. *Mary* Chap. 3. So soon as Bishop *Tunstall* was created Bishop of *Durham*, laid open to the Queen and Parliament the Illegallity of *Gates-head* being taken from the County of *Durham*, and Incorporated with *Newcastle*, and how surreptitiously they got it past by Act of Par-

Parliament, and humbly beseeched that the Town and Liberties of *Gates-head* might be restored to the County of *Durham* again, which could not well be done without that Statute of the 7. *Edw.* 6. 10. were repealed; After a great debate in Parliament, it was found onely a covetous disposition in the Corporation of *Newcastle* to require that from King *Edward* the sixth, and in no wayes for the good of any, in any particular sense, who Enacted that the Statute of the seventh of *Edward* the sixth, Chapter the tenth, should be repealed, and of no force to all intents and purposes, and the Town of *Gates-head* should be free from the Corporation of *Newcastle*, &c. See Chap. 7. and Chap. 8.

Sweet Queen.

The most excellent Princes Elizabeth. Queene of Englande, France, and Ireland. Defender of the Faith &c. She raigned 44 yeares. died the 24. of March. 1602. aged 69. 6 monthes: and lieth buried at Westminster.
Compton Holland cucudit

How long Apprentices should serve.

(A) STat. 5. Eliz. 4. Be it Enacted that all Apprentices in every Corporate Town through *England*, shall serve after the Custome and Order of *London*, the full term of seven years at least, so as the terme and years of such Apprentices do not expire or determine before such Appren-

tices be of the age of four and twenty years at least; And if an Apprentice be miſ-uſed by the non-conformity of the Maſter, then the next officer upon complaint ſhall bind the Maſter to anſwer the Seſſions, and the cauſe appearing, the Bench may diſcharge the Apprentice from his Maſter. See Chap. 55. (C.)

The Puniſhment of Perjury, &c.

(B) *Stat.* 5. *Eliz.* 9. Be it Enacted that if any perſon or perſons at any time ſhall unlawfully and corruptly procure any Witneſſe or Witneſſes by letters, rewards, or any other promiſes to commit any wilful and corrupt perjury in any matter or cauſe whatſoever now depending, or which hereafter ſhall depend in ſuit or variance, by any Writ, Action, Bill, Complaint, or Information upon any matter or cauſe whatever, and being thereof convicted, ſhall forfeit forty pound; and if he have not ſo much, then to be impriſoned for half a yeer, without Bail or Mainprize, and to ſtand in the Pillory one hour in a Market day in the open Market, and never to be received as a Witneſſe in any Courts of Record, and if judgement be given upon his teſtimony, it ſhall be void, and the party grieved have his damages.

And if any perſon ſhall wilfully perjure himſelf by committing wilfull perjury by his depoſition in any Courts, or being examined *Ad perpetuam rei memoriam*, for which offence he ſhal forfeit twenty pound, and impriſonment for ſix months without Bail or Mainprize, and never to be as a witneſſe in any Court, and that the Oath ſhall be void, and party grieved to recover his damages; and if he be not able to pay his Fine, then to be ſet in the Pillory having both his ears nayled thereunto, and never to be credited again in any Court, the one half of the Fine to the Queen, and the other to the party grieved, that will ſue for the ſame, by Bill of Indictment, &c. wherein there ſhall be no wager of Law, &c.

And all Witneſſes are required upon ſummons to appear, to give evidence, reaſonable charges allowed, and upon default to forfeit ten pound, and all the damages ſuſtained to be recovered in any Court of Record, by Action, Bill, &c.

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no Wager of Law &c. See Stat. 21. K. James 28. made perpetual. See Chap. 31. (A) 34. (A.B) 42. (A.)

For ſellers of Corn, &c.

(C) *Stat. 5. Eliz.* 12. Be it Enacted that no perſon, or perſons ſhall buy any Corn, out of open Fair or Market to ſell again, unleſſe ſuch perſons ſhall have ſpecial and expreſs words in a licence, that he or they may ſo do, upon pain of the forfeiture of five pounds for ſo doing, which forfeiture to come to the Queen the one half, and the other half to the party that will ſue for the ſame by Bill, &c. See *Stat.* 5. 6. *Ed.* 6. 14. See Chap. 30. (A) 31. (C.)

Arreſtings in other mens names, and delayes, &c.

(D) *Stat.* 8. *Eliz.* 2. Be it Enacted by this preſent Parliament that if any perſon or perſons ſhall by any means cauſe, or procure any other perſon to be Arreſted or Attached at the ſuit, or in the name of any perſon where indeed no ſuch perſon is known, or without the aſſent, conſent, or agreement of ſuch perſons, at whoſe ſuit, or in whoſe name ſuch Arreſt or Attachment is, or ſhall be ſo had and procured; That then every ſuch perſon and perſons, that ſhall ſo cauſe or procure any ſuch Arreſt, or Attachment of any other perſon to be had or made for vexation or trouble, and ſhall thereof be convicted or lawfully accuſed by Indictment, preſentment, or by the teſtimony of two ſufficient Witneſſes or more, or other due proof, ſhall for every ſuch offence by him or them committed, done, or procured, have, and ſuffer impriſonment of his or their body ſix moneths without Bail or Mainprize, and before a deliverance out of priſon, ſhall pay unto the party ſo Arreſted or Attached treble the coſts, and charges, damages, and expences that he or they ſhall be put unto by reaſon or occaſion of ſuch Arreſt or Attachment ſo had, and ſhall alſo forfeit and pay unto ſuch perſon, or perſons, in whoſe name, or at whoſe Suit, he, or they ſhall ſo procure ſuch Arreſt

or Attachment to be had or made, if then there be any such person known, the summe of ten pounds for every such offence; and that all such persons damnified thereby shall have their remedy in any Court of Record by Bill, Plaint, or Action of Debt, for all damages, &c. wherein there shall not be any Essoyn, Protection, or Wager of Law allowed the Defendant. See *Stat.* 13. *Ed.* 1. 36.

The Penalty of cutting of Purses

(E) *Stat.* 8. *Eliz.* 4. Whereas there are a certain people of a Fraternity or Brother-hood, that puts in practice that art or mystery of cutting of Purses, and that do combine secretly to spoyl the true subjects of this Realm; Be it therefore Enacted, that whosoever be found guilty of taking away monies, &c. in such sort from any person or persons, shall not have the benefit of Clergy. See Chap. 12. (5) 39. (A.)

Sheriffs Fees for executing Executions, &c.

(F) *Stat.* 29. *Eliz.* 4. Be it Enacted by this present Parliament, That it shall not be lawful for any Sheriff, or Bayliff of Franchizes, or Liberties, or any of the Officers, or Deputies, nor any of them, by colour or reason of their, or either of their Office, or Offices, to have, receive, or take of any person whatever directly, or indirectly, for the serving, and executing of any extent, or execution upon the body, lands, goods, or chattels of any person, or persons whatsoever, more, or other consideration, or recompence than as in this present Act shall be limited and appointed, which shall be lawful to be had, received, and taken, that is to say, twelve pence of, and for every twenty shillings where the summe exceedeth not one hundred pounds; and six pence of, and for every twenty shillings being over and above the said summe of one hundred pounds, that he or they shall levie, or extend, and deliver in execution, or take the bodie in execution for, by vertue and force of such extent,

tent, or execution whatsoever, upon pain and penalty, that all and every Sheriff, &c. that do the contrary, shall lose and forfeit to the party grieved, his treble damages, and shall forfeit forty pound for every time so offending, the half thereof to the Queen, and the other to the party suing, by Bill, Plaint, Action, or Information, wherein no Essoyn, Wager of Law, or Protection shall be allowed. This Statute not to extend to any City, or Town Corporate.

The poor to be set on work.

(G) *Stat.* 43. *Eliz.* 2. Be it Enacted by this present Parliament, and the Authority thereof, that all poor be set on work by the Church-wardens or Overseers, and such as will not work, being able, shall be sent to the house of Correction. See Chap. 38. (A.C.)

Sheriffes punishable for false Arrests, &c.

(H) *Stat.* 43. *Eliz.* 6. For the avoyding many Suits commenced, according to the due course of the Laws of this Realm, to the intollerable vexation and charge of her Highnesse subjects; Be it Enacted by Authority of this Parliament, if any Sheriff, or other person, having Authority, or taking upon him to break Writs, or make any Warrant for the summoning of any person upon any Writ, Processe, Suit, or for Arrest, or Attaching of any person or persons by his, or their body, or goods to appear in any of her Majesties Courts at *Westminster*, or elsewhere, not having before, that originall Writ or Processes warranting the same, that then upon complaint made to the Justices of Assize of the County where the same offence shall be committed, or to the Judges of the Court, out of which the Process issued, not only the party that made such Warrant, but all those that were the procurers thereof, shall be sent for before the said Judges or Justices by Attachment, or otherwise, as the same Judges or Justices shall think good, and allow of, and be examined thereof upon their Oaths:

and if the same offence be confessed by the same offenders, or proved by sufficient witnesses to the satisfaction of the same Judges or Justices, that then the same Judges or Justices that shall so examine the same, shall forthwith by force of this Act commit every of the same to the Gaole, and these shall remain, without Bayl or Mainprize, untill such time as they amongst them have fully satisfied, and paid unto the party grieved, by such Warrant not onely the summe of ten pounds, but also all costs and damages, as the same Judges or Justices shall set down, that the same party hath sustained thereby, and withall twenty pound a peece for their offence to her Majesty 21. King *James* Chap. 16. 3. King *Charles* Chap. 4. *Dyer*, fo. 244.

King James.

(A) UPon the seventh day of *May* in the first year of K. *James* a Proclamation was proclaimed throughout *London*, for to cease all exactions, all Monopolies, and all Protections whatever, that was against the common good, and that hindred mens Suits at Law also forbidding oppression.

Stabbing or Thrusting.

(B) *Stat.* 1. King *James* 8. It is Enacted that if any person or persons shall Stab or Thrust any person or persons, that hath not then any weapon drawn, or that hath not then first stricken the party, which shall so stab or thrust, so as the person or persons so stabbed or thrust, shall thereof dye within the space of six months then next following, although it cannot be proved that the same was done of malice fore-thought, yet the party so offending, being thereof convict by the verdict of twelve men, confession, or otherwise according to the Laws of this Realm, shall be excluded from the benefit of his, or their Clergy, and shall suffer death as in case of wilfull Murder. *Stat. Hamicide* (24.)

Attornies abuses remedied &c.

(C) *Stat.* 3. King *James* Chap. 7. Be it Enacted for redresse

dresse of sundry abuses committed by Attornies, and Solicitors, by charging their Clients with excessive Fees, and other unnecessary demands to the great prejudice of the Sergeant and Councellor at Law, who is greatly slandered, and to work the private gain of such Attornies, and Solicitors, the Client is often extraordinarily delayed; Be it Enacted that for the future, that no Attorny, Solicitor, or servant to any shall be allowed from his Clyent or Master, of, or for any Fee given to any Serjeant or Councellor at Law, or of, or for any summe or summes of mony given for copies to any Clerk or Clerks or Officers, in any Court of Record at *Westminster*, unlesse he have a Ticket subscribed with the hand and name of the same Serjeant, Counsellor, Clerk, or Clerks, or Officers aforesaid, testifying how much he hath received for his Fee, or paid, or given for copies, and at what time, and how often; And that all Attornies and Solicitors shall give a true bill unto their Masters or Clyents, or their Assigns, of all other charges concerning their Suits, which they have for them, subscribed, with their own hand and name, before such time, as they, or any of them shall charge their Clyents with any of the same Fees or Charges; And that if any Attorney, or Solicitor do, or shal willingly delay his Clyents Suits to work his own gain, or demand by his Bill any other summe of mony, or allowance upon his account of any monies which he hath not laid out, or disbursed, that in every such case the party grieved shall have his action against such Attorney or Solicitor, and shall recover therein costs and treble damage; and the said Attorney or Solicitor shall be discharged from thenceforth from being an Attorney or Solicitor any more. See Chap. 28. (A)

All Monopolies and Dispensations, with penal Laws shall be void.

(D) *Stat.* 21. K. *James* Chap. 3. For as much as your most Excellent Majestie, in your Royal judgement, and of your blessed disposition to the weal and quiet of your subjects, did in the year of our Lord God, 1610. publish in Print to

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the whole Realm, and to all posterity, that all Grants, and Monopolies, and of the benefit of any penal Laws, or of power to dispence with the Law, or to compound for the forfeiture, are contrary to your Majesties Laws, with your Majesties Declaration, which is truly consonant and agreeable to the ancient and fundamental Laws of this your Realm; And whereas your Majesty was further gratiously pleased, expressly to command, that no Suitor should presume to move your Majestie for matters of that nature; yet nevertheless upon Mis-information, and untrue pretences of publick good, many such Grants have been unduly obtained and unlawfully put in execution, to the great grievance, and inconvenience of your Majesties subjects, contrary to the Laws of this your Realm, and contrary to your Majesties Royal and blessed intention so published as aforesaid; for avoiding whereof, and preventing the like for the time to come; May it please your most Excellent Majestie at the humble Suit of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, that it may be declared, and enacted; And be it declared and enacted by Authority of this present Parliament, That all Monopolies, and all Commissions, Grants, Licences, Charters, and Letters Pattents heretofore made, or granted to any person or persons, bodies Politick, or Corporate whatsoever, of, or for the sole buying, selling, making, working, or using of any thing within this Realm, or of any other Monopolies, or of Power, Liberty or faculty to dispence with any other, to give licence or toleration to do, use, or exercise any thing against the tenure, or purport of any Law or Statute, or to give, or make any Warrant for any such Dispensation, Licence, or Toleration to be had or made, &c. And all Proclamations, Inhibitions, Restraints, Warrants of assistance, and all other matters or things whatsoever, any way tending to the instituting, erecting, strengthning, furthering, or countenancing of the same, or any of them are contrary to the Laws of this Realm, and so are, and shall be utterly void, and of none effect, and in no wayes to be put in use or execution, &c.

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Be it further Enacted, &c. that all perſon and perſons bodies Politick and Corporate whatſoever, which now are, or hereafter ſhall be, ſhall ſtand, and be diſ-abled and uncapable to have, uſe, exerciſe or put in eure any Monopoly, or any ſuch Commiſſion, Grant, Licence, Charter, Letters Pattents, Proclamations, Inhibition, Reſtraint, Warrant of aſſiſtance, or other matter or thing tending as aforeſaid, or any liberty, power, or faculty grounded, or pretended to be grounded upon them, or any of them.

The party grieved by pretext of any Monopoly, &c. ſhall recover his or their treble damages, and double coſts, &c. and he that delayeth an action grounded upon Statute, incurs a premunire, which is expreſt in the 16. *Rich.* 2. 5. ſhall be put out of the Kings Protection, and their Lands and Tenements, Goods, and Chattels forfeit to our Lord the King, and their bodies to be attached to anſwer the King, &c. (Charters granted to Corporations ſaved) Letters Pattents to uſe new Manufactures ſaved.) Grants confirmed by Acts of Parliament ſaved.) Warrants granted to Juſtices ſaved.) Letters Pattents that concern Printing, Salt-peter, Gun-powder, great Ordnance ſhot, or Offices ſaved.) Nor ſhall this Statute extend to void Commiſſions for Allum-Mines, nor to the Licences of keeping Taverns, making glaſſe, tranſportation of Calves-skins, nor for making Smalt, not for melting Iron ovre, with Sea-Coal, &c. Provided alſo, and be it Enacted, That this Act or any Declaration, proviſo, penalty, forfeiture, or other thing before mentioned, ſhall not extend, or be prejudicial to any uſe, cuſtome, Preſcription, Franchiſe, Freedome, Juriſdiction, Immunity, Liberty, or Priviledge heretofore claimed, uſed, or enjoyed by the Governours, and Stewards, and Brethren of the Fellowſhip of the Hoaſt-men of the Town of *Newcaſtle* upon *Tyne*, or by the ancient Fellow-ſhip, Guild, or Fraternity commonly called Hoaſt-men, for, or concerning the ſelling, carrying, lading, diſpoſing, ſhipping, venting, or trading of, or for any Sea-coals, Stone-coals, or Pit-coals, forth, or out of the Haven, and River of *Tyne*, or to a Grant